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## Description of Organization—Rules of Procedure

### Article I

#### Organization of Agency

##### **Sec. 3-11-1. Duties and authority of the office of the treasurer**

The duties and authority of the Office of the Treasurer are primarily set out in Article Four, Section 22 of the Connecticut Constitution and in Title 3 of the Connecticut General Statutes. The Treasurer is responsible for the safe custody of the property and money belonging to the State. The Treasurer receives all monies belonging to the State, makes disbursements as directed by Statute, and manages, borrows, and invests all funds for the State. The Treasurer oversees a large investment portfolio of pension assets, as well as serving as sole fiduciary of all state trust funds. (Effective December 28, 1993)

##### **Sec. 3-11-2. Basic organization**

The Office of the Treasurer consists of five divisions which are as follows:

(1) **The Executive Office of the Treasurer** includes the Treasurer, the Deputy Treasurer, an Assistant Treasurer and executive and administrative assistants, and has responsibility for policy-setting, investor and corporate relations, legal and legislative affairs, public education and information, and the administration of all internal department functions, including human resources, business and office services, and special project planning, and the administration of the Unclaimed Property Program, by which the Treasurer holds all property, real and personal, left unclaimed by its owners.

(2) **The Investment Division**, under the direction of an Assistant Treasurer, manages the State's multi-billion dollar pension fund portfolio, manages and invests temporarily surplus cash from all sources, and administers the Secondary Market for Student Loans, under which the Treasurer may purchase federally subsidized student loans guaranteed by the Connecticut Student Loan Foundation.

(3) **The Cash Management Division and Information Services**, under the direction of an Assistant Treasurer, has responsibility for cash accounting and reporting, cash positioning and forecasting, bank and fund reconciliation, bank administration and check processing, as well as data processing and information services.

(4) **The Debt Management Division**, under the direction of an Assistant Treasurer, administers the State's bond and debt financing program, including the sales of state bonds.

(5) **The Second Injury Division**, under the direction of an Assistant Treasurer, is a worker's compensation program for employees with a pre-existing condition who sustain an injury on the job that results in a material worsening of the condition. (Effective December 28, 1993)

##### **Sec. 3-11-3. Course and method of operations**

(a) **Executive Office of the Treasurer.** The Treasurer has overall responsibility for the operation of the agency and provides supervision and direction with regard to all activities of the agency. By statute, the Treasurer is required to appoint a Deputy, who performs all duties of the Treasurer in case of the sickness or absence of the Treasurer. In addition, the Treasurer appoints Assistant Treasurers who, under the direction of the Treasurer, advise the Treasurer on the investment of funds of the State, oversee the general financing procedure in the borrowing of money by

the State, administer the State's unclaimed property program, and perform such other duties as the Treasurer may direct.

(b) **Investment Division.** Under the direction of an Assistant Treasurer, who acts as the agency's chief investment officer, the division manages the invested assets of the State's retirement funds for which the Treasurer is the sole trustee.

The Investment Division is organized into five units which perform the following functions:

(1) **Fixed Income Unit.** This unit manages one domestic bond fund and two short term investment funds. One STIF fund is dedicated to pension assets, the second provides a cash reserve and management service to State agencies and local governments.

(2) **Real Estate Unit.** This unit manages all real estate investments largely through the use of external managers. The unit monitors investment performance, makes recommendations on proposed investments, and makes recommendations on the hiring and termination of external managers.

(3) **Operations and Trading Unit.** This unit processes all securities transactions, reconciles daily with the master custodian bank all cash balances in the pension investment system, operates an internal domestic equities trading desk, provides administrative support for local government clients in the short term investment fund, and supervises the master custodian bank in the lending of securities.

(4) **Pension Funds Analysis Unit.** This unit is responsible for monitoring, evaluating and reporting to the Treasurer and the Investment Advisory Council regarding the external managers of the International Stock Fund, the International Bond Fund, the Mutual Equity Fund (domestic stocks) and the Mutual Fixed Income Fund (domestic bonds), including interviewing and evaluating prospective managers. The unit assists in structuring and funding of assigned investment funds.

(5) **Pension Funds Accounting Unit.** This unit is responsible for all investment accounting for pension funds assets, reconciling financial reports of master custodian bank on investment funds. The unit provides financial statements to Treasurer and Assistant Treasurer.

(c) **Cash Management and Information Services Division.** Under the direction of an Assistant Treasurer, this division is responsible for the coordination of banking services for all State agencies. The Cash Management Division is organized into three units, each headed by a Director of Cash Management, which perform the following functions:

(1) **Bank Control Unit.** This unit tracks the receipts and disbursements of all State agencies, performs revenue accounting duties and prepares an annual financial report to the Governor, which consists of a reconciled statement of receipts and disbursement for each bank utilized by the State, for each State agency and for each fund administered by the Treasurer.

(2) **Bank Reconciliation Unit.** This unit coordinates the opening and closing of all State bank accounts, including selection and contracting with each bank. The unit reconciles all State vendor, payroll, trust fund, and centralized receipts bank accounts. The unit also performs check administration functions, such as processing stop payments and check reissues, as well as related research.

(3) **Cash Control Unit.** This unit monitors daily cash needs and maintains, through wire transfers, adequate balances for all agency bank accounts, and in conjunction with this function, analyzes and forecasts the State's cash flow needs. This unit also administers and performs accounting functions for the Short Term Investment Fund.

(d) **Debt Management Division.** Under the direction of an Assistant Treasurer, the division manages and coordinates all State of Connecticut bond and note issuance, including general obligation bonds, special tax obligation bonds, airport revenue bonds and short term borrowings, if and when the need arises, and maintains an overall program of debt planning. With respect to such bond and note issuance, the division: (1) coordinates the preparation of official statements and other disclosure documents, (2) coordinates the state's relationship with the credit rating agencies, (3) determines the structure, timing and the purposes included in each bond issue, (4) oversees the work of bond counsel, financial advisors and underwriters, and (5) coordinates the timing and size of bond issues with the expenditures of individual bond fund accounts and the overall cash flow needs of the state. The division also performs several tax-related functions to ensure that bond-fund programs and projects conform to Internal Revenue Code limitations and requirements for federal tax-exempt treatment. The division manages the College Savings Plan bond issuance program, which involves the special structuring of general obligation bond issues to serve as a means for families to save for college. The Debt Management Division also works in behalf of the Treasurer with each of the quasi-public authorities which issue revenue bonds.

(e) **Second Injury Division.** Under the direction of an Assistant Treasurer, the division is responsible for the operation of the Second Injury Fund. The division is organized into five units, which perform the following functions:

(1) **Claims Unit.** This unit (A) reviews legal documents, including voluntary agreements, findings and awards, for errors or omissions, (B) reviews medical reports for claimant status, injury compensability and bill payment authorization, (C) authorizes reimbursement requests from insurance carriers and (D) refers files to the medical case management unit.

(2) **Medical Case Management Unit.** This Unit's main function is to prevent abuse of Second Injury Fund programs by evaluating each claimant's medical condition and work capacity, providing education to the legal and medical community regarding rehabilitation of claimants and reintroduction of claimants into the work force, and monitoring treatment programs and equipment procurement.

(3) **Accounting Unit.** This unit is responsible for collecting all employer assessments which fund Second Injury Fund programs, producing bi-weekly claimant benefit checks and checks for insurance carriers and other vendors, and monitoring accounts receivable and reporting uncollectible accounts.

(4) **Investigations Unit.** This unit investigates employers to determine whether they have insured their worker's compensation risk. The unit investigates employee complaints of lack of worker's compensation insurance as well as initiating its own investigations, testifies at hearings, conducts asset searches and assists the Attorney General in collection actions.

(5) **Support Services Unit.** This unit maintains a computerized record of all files, provides data processing services for the entire division and provides other support services including mail, telephone, and equipment related services.

(Effective December 28, 1993)

### **Sec. 3-11-4. Location of principal office**

The Office of the Treasurer is located at 55 Elm Street, Hartford, Connecticut 06106. Normal business hours are from 8:30 a.m. to 4:30 p.m. daily except Saturdays, Sundays, and holidays.

(Effective December 28, 1993)

**Sec. 3-11-5. Public information**

In conformity with the State's Freedom of Information Act (Secs. 1-15 and 1-18a to 1-21k, inclusive of the Connecticut General Statutes), it is the policy of the Office of the State Treasurer to make available for public inspection all files, records, and documents and other materials within its possession unless specifically prohibited by state or federal law.

(Effective December 28, 1993)

**Article II**

**Scope and Construction of Rules**

**Part I**

**General Provisions**

**Sec. 3-11-6. Procedure governed**

Sections 3-11-6 to 3-11-25, inclusive, of these rules govern practice and procedure before the Treasurer or any division of the Office of the Treasurer, an individual division head or a hearing officer, and apply to all proceedings including contested cases and proceedings on petition for regulations or declaratory rulings under the applicable laws of the State of Connecticut, but excluding proceedings under Chapter 568 of the Connecticut General Statutes and except where by statute otherwise provided.

(Effective December 28, 1993)

**Sec. 3-11-7. Definitions**

The definitions provided by sec. 4-166, C.G.S., shall govern the interpretation and application "sections 3-11-6 to 3-11-25, inclusive, of" these rules. In addition thereto and except as otherwise required by the context:

(a) "Agency" refers to the Office of the Treasurer.

(b) "Appellant" refers to a person who takes an appeal to the Treasurer from a decision or ruling of a presiding officer.

(c) "Applicant" is a party applying for any license, right or authority from the Treasurer.

(d) "Treasurer" means the Treasurer of the State of Connecticut.

(e) "Complainant" is any person who complains to the Treasurer of any act or omission in violation of statutes or regulations within the jurisdiction of the Treasurer or an order of the Treasurer.

(f) "Contested case" means a proceeding in the Treasurer's disposition of matters delegated to his jurisdiction by law in which the legal rights, duties, or privileges of a party are determined by the Treasurer after an opportunity for a hearing. The definition stated in sec. 4-166 (2) C.G.S. shall further define this term.

(g) "Hearing" means that portion of the Treasurer's procedures in the disposition of matters delegated to his jurisdiction by law wherein an opportunity for presentation of evidence and argument occurs, which is preceded by due notice and which includes both an opportunity to present such written and oral testimony and argument as the presiding officer deems appropriate and an opportunity to examine and cross-examine any witness giving testimony therein. Any such hearing shall be a public hearing.

(i) "License" includes all forms of permission required by Chapter 32 of the General Statutes, and any other form of permit, certificate, approval, registration or

charter whose administration has been delegated to the Treasurer by law, but it does not include a license required solely for revenue purposes.

(j) “Intervenor” means a person admitted as a participant in a contested case who is not designated a party.

(k) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character, other than an agency as defined by section 4-166 (1), C.G.S., to which sections 3-11-6 to 3-11-25, inclusive, of these rules of practice may apply where appropriate to the context of the regulations herein set forth.

(l) “Petitioner” is a person who has filed a petition seeking relief from the Treasurer.

(m) “Presiding officer” and “Hearing Officer” mean a person designated by the Treasurer who presides at any hearing.

(n) “Respondent” means a person against whom an order or a proceeding is directed.

(Effective December 28, 1993)

### **Sec. 3-11-8. Waiver of rules**

Where good cause appears, the Treasurer or any presiding officer may permit deviation from sections 3-11-6 to 3-11-25, inclusive, of these rules, except where precluded by law.

(Effective December 28, 1993)

### **Sec. 3-11-9. Construction and amendment**

Sections 3-11-6 to 3-11-25, inclusive, of these rules shall be construed by the Treasurer and any presiding officer as to secure just, speedy, and inexpensive determination of the issues presented hereunder. Amendments and additions to sections 3-11-6 to 3-11-25, inclusive, of these rules may be adopted by the Treasurer by being duly promulgated as regulations in accordance with Chapter 54, C.G.S.

(Effective December 28, 1993)

### **Sec. 3-11-10. Computation of time**

Computation of any period of time referred to in sections 3-11-6 to 3-11-25, inclusive, of these rules begins with the first day following that on which the act which initiates such period of time occurs and ends on the last day of the period so computed. This last day of that period is to be included unless it is a day on which the Office of the Treasurer is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays, and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective December 28, 1993)

### **Sec. 3-11-11. Extension of time**

In the discretion of the Treasurer, or the presiding officer, for good cause shown, any time limit prescribed or allowed by sections 3-11-6 to 3-11-25, inclusive, of these rules may be extended. All requests for extensions shall be made before the expiration of the period originally prescribed or as previously extended. The Treasurer shall cause all parties to be notified of the action upon any such motion.

(Effective December 28, 1993)

**Sec. 3-11-12. Effect of filing**

(a) The filing with the Office of the Treasurer of any application, petition, complaint, or any other filing of any nature whatsoever shall not relieve any person of the obligation to comply with any statute, regulation or order of the Treasurer.

(b) Unless the Treasurer provides otherwise in writing, accepting the filing of any non-conforming petition, application, exhibit, annex, or document of any kind whatsoever, shall not be construed as a waiver of compliance with sections 3-11-6 to 3-11-25, inclusive, of these rules.

(c) Any petition or application filed for the purpose of securing from the Treasurer an approval or grant of permission under sections 3-11-6 to 3-11-25, inclusive, of these regulations and any supporting evidence annexed or filed as part of such petition or application shall be public records, except when expressly excluded by law. Such public records will include and not be limited to all written forms, required components, pre-filed testimony, exhibits, and other evidence attached to the application as part thereof.

(Effective December 28, 1993)

**Part 2**

**Formal Requirements**

**Sec. 3-11-13. Date of filing**

All orders, decisions, findings of fact, correspondence, motions, petitions, applications, and any other documents governed by sections 3-11-6 to 3-11-25, inclusive, of these rules, shall be deemed to have been filed or received on the date on which they are issued or received by the Office of the Treasurer at its principal office, except as hereinafter provided.

(Effective December 28, 1993)

**Sec. 3-11-14. Identification of communications**

Communications should embrace only one matter and should contain the name and address of the sender and an appropriate file reference to the subject of the communication. When the subject matter pertains to a proceeding pending before the Treasurer, the title of the proceeding and the docket number should be given.

(Effective December 28, 1993)

**Sec. 3-11-15. Signatures**

Every application, notice, motion, petition, brief, and memorandum shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.

(Effective December 28, 1993)

**Sec. 3-11-16. Formal requirements as to documents and other papers filed in proceedings**

(a) **Copies.** Except for routine correspondence and inquiries by the public, and as may be otherwise required by sections 3-11-6 to 3-11-25, inclusive, of these rules or by any other rules or regulations of the Treasurer or as ordered or expressly requested by the Treasurer, at the time motions, petitions, applications, documents, or other papers are filed with the Treasurer, there shall be furnished to the Treasurer the original of such papers. In addition to the original, there shall also be filed four

(4) copies for the use of the Treasurer, the staff, and the public, unless a greater or lesser number of such copies is expressly requested by the Treasurer.

(b) **Form.** Except for such forms as may from time to time be provided or adopted by the Treasurer and used where appropriate, all documents and papers including but not limited to motions, petitions, applications, notices, briefs, exhibits, and all other written materials filed for the purpose of any proceeding before the Treasurer shall be on only one side of eight and one half by eleven inch (8 1/2" x 11") paper, unless printed, and shall be double spaced. Mimeographed, multigraphed, photoduplicated or similarly reproduced copies of typewritten originals will be accepted as typewritten, provided all copies filed are clear and permanently legible.

(c) **Filing.** All motions, petitions, applications, documents or other papers relating to matters requiring action by the Treasurer shall be filed with the Treasurer, at the principal office above mentioned.

(d) Failure to comply with the provisions of this section will constitute a deficiency in filing and will be subject to the regulations governing that contingency.

(Effective December 28, 1993)

### **Sec. 3-11-17. Service**

(a) **General rule.** Service of all documents and other papers filed in all contested cases, including but not limited to motions, petitions, applications, notices, briefs, and exhibits shall be by personal delivery or by first class mail, except as herein-after provided.

(b) **On whom served.** In addition to the filing requirements of subsection (a) of the preceding section, one copy of each document served on the Treasurer in any proceeding shall be served on every person that has theretofore been designated a party in the proceeding. Certification of such service shall be endorsed on all documents and other papers when filed with the Treasurer.

(c) **Service by the Treasurer.** A copy of any documents or other papers served by the Treasurer showing the names and addresses to whom the document or other paper was mailed and the date of mailing shall be placed in the Treasurer's files and shall be prima facie evidence of such service on the date thereof.

(d) **Service as written notice.** Written notice of all orders, decisions or authorizations, issued by the Treasurer, shall be given to all parties affected thereby and to such other person as the Treasurer may deem appropriate, by personal service upon such person or by first class mail, as the Treasurer determines.

(Effective December 28, 1993)

## **Part 3**

### **Requirements for Applications and Petitions, General Provisions**

#### **Sec. 3-11-18. General rule**

Petitions and applications shall include all proposals, requests, applications, petitions, and filings of whatever nature that are placed before the Office of the Treasurer pursuant to law including, but not limited to, petitions for declaratory ruling, petitions for regulations, and applications for any license.

(Effective December 28, 1993)

#### **Sec. 3-11-19. Function of application**

The petition or application and annexed materials will be treated by the Treasurer as a substantially complete statement of the case in chief of the applicant or petitioner.

(Effective December 28, 1993)

### **Sec. 3-11-20. Required components, general**

(a) **Form.** The form to be followed in the filing of petitions and applications hereunder will vary to the extent necessary to provide for the nature of the legal rights, duties or privileges involved therein. In addition to the special provisions for particular types of petitions and applications provided by sections 3-11-6 to 3-11-25, inclusive, of these regulations, all petitions and applications shall include the following components:

(1) Each petition or application shall incorporate a statement setting forth clearly and concisely the authorization or other relief sought. The statement shall cite by appropriate reference the statutory provision or other authority under which such authorization or relief is to be granted by the Treasurer.

(2) The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant or petitioner is a corporation, trust association or other organized group, it shall also give the state under the laws of which it was created or organized.

(3) The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the petition or application shall be addressed. Notice, orders and other papers may be served upon the person so named; and such service shall be deemed to be service upon the petitioner or applicant.

(4) A concise and explicit statement of the facts on which the Treasurer is expected to rely in granting, the authorization or other relief sought.

(5) An explanation of any unusual circumstances involved in the petition or application to which the Treasurer will be expected to direct particular attention, including the existence of emergency conditions or any request for the granting of interlocutory relief by way of an interim order in the proceeding.

(b) **Annexed materials.** There shall be attached to the petition or application and filed as part thereof any and all exhibits, sworn written testimony, data, and all other materials that the petitioner or applicant deems necessary or desirable to support the granting of the petition or application. In addition, such annexed materials shall also include such exhibits, sworn written testimony, and other data that any statute or sections 3-11-6 to 3-11-25, inclusive, of these rules may require for the lawful determination of the petition or application.

(c) **Additional evidence submitted.** The enumeration of required items herein set forth as the minimum evidentiary submission shall not preclude the submission of additional evidence with the petition or application.

(Effective December 28, 1993)

### **Sec. 3-11-21. Original records**

When so required, the petitioner or applicant shall furnish and make available for the use of the Treasurer the original books, papers, and documents from which any evidence supporting the granting of the petition or application is derived. Failure to furnish records as directed may be grounds for rejecting any component and, if appropriate, for the entry of a decision denying the petition or application.

(Effective December 28, 1993)

### **Sec. 3-11-22. Fees**

(a) All application fees or other charges required or authorized by law shall be paid to the Treasurer by check or money order made payable to the Treasurer, State of Connecticut, at the time that the application is filed. Unless otherwise required

by law, he may return it, with any fee that was submitted with it, to the applicant for correction.

(Effective December 28, 1993)

### **Sec. 3-11-23. Date of filing, components, deficiencies**

(a) The date of filing of any application with the Treasury shall be the date that the application is received by the Treasurer.

(b) An application shall consist of all of the required components and any special components set forth in sections 3-11-6 to 3-11-25, inclusive, of these regulations.

(c) Any application or petition which is incomplete or not in conformity with sections 3-11-6 to 3-11-25, inclusive, of these regulations may be rejected by the Treasurer.

(Effective December 28, 1993)

## **Part 4**

### **Requirements for Applications and Petitions, Special Provisions**

#### **Sec. 3-11-24. Petition requesting the promulgation, amendment or repeal of regulations**

(a) **General.** Any interested person may at any time petition the Treasurer requesting the promulgation, amendment or repeal of a regulation.

(b) **Form.** The petition shall conform to the general provisions of sections 3-11-6 to 3-11-25, inclusive, of these regulations where applicable and, in addition, shall set forth clearly and concisely the text of the proposed regulation or amendment or the provisions sought to be repealed. The petition shall also state the facts and arguments on which the petitioner relies either in the petition or in a brief annexed thereto.

(c) **Decision on petition.** Upon receipt of the petition, the Treasurer shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(d) **Procedure on denial.** If the Treasurer denies the petition, the Treasurer shall give the petitioner notice in writing, stating the reasons for the denial.

(Effective December 28, 1993)

#### **Sec. 3-11-25. Petition for declaratory ruling**

(a) **General.** In addition to the provisions of Chapter 54, sections 3-11-6 to 3-11-25, inclusive, of these rules set forth the procedure to be followed by the Treasurer in the disposition of petitions for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the Treasurer.

(b) **Form of petition for declaratory ruling.** Any interested person may at any time petition for a declaratory ruling from the Treasurer with respect to the applicability to such petitioner of any statute, regulation or order enforced, administered, or promulgated by the Treasurer. Such petition shall be filed in accordance with the applicable provisions of sections 3-11-6 to 3-11-25, inclusive, of these regulations and shall in addition:

(1) state clearly and concisely the substance and nature of the request;

(2) identify the statute, regulation or order concerning which the inquiry is made; and

(3) identify the particular aspect thereof to which the inquiry is directed. The petition for a declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry.

(c) **Notice to other persons.** Within thirty days after receipt of a petition for a declaratory ruling, the Treasurer shall give notice to all persons entitled to notice under any provision of law, and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition. The Treasurer may give notice to such other persons as he deems appropriate.

(d) **Additional parties; intervenors.**

(1) Petitions to become a party or to intervene in declaratory ruling proceedings shall be filed within forty-five days after receipt by the Treasurer of the petition for declaratory ruling. Any petition to become a party or to intervene shall be submitted in writing to the Treasurer, with copies sent to all parties and intervenors.

(2) A petition to become a party shall state the facts that demonstrate that the petitioner's legal rights, duties or privileges are affected by issuance of a declaratory ruling.

(3) A petition to intervene shall state facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

(4) The Treasurer will rule on petitions to become a party and petitions to intervene within fifteen days after receipt. Notice of such decision will be given to the petitioner and all parties and intervenors.

(e) **Submission of information where no hearing held.** The Treasurer may accept written statements of data, facts, argument or opinion from any party or intervenor, and from the agency. The Treasurer may require such statements to be filed under oath. All statements submitted shall be available to the public for inspection and copying, except as otherwise provided by federal law or the general statutes. Written statements filed under this section shall be submitted to the Treasurer within sixty days after receipt of the petition for declaratory ruling, but the Treasurer, in his discretion, may grant additional time for filing.

(f) **Hearing.** Within sixty days after receipt of a petition for declaratory ruling the Treasurer shall determine whether or not to hold a hearing. If a hearing is to be held notice of the time, place and nature of the hearing shall be sent to all parties and intervenors and the provisions of Sections 4-177c (b), 4-178 and 4-179 of the general statutes shall apply to the proceeding.

(g) **Action on petition where no hearing held.** Within sixty days after receipt of a petition for declaratory ruling, where no hearing is to be held, the Treasurer shall in writing:

- (1) Issue a declaratory ruling;
- (2) Order further specified proceedings;
- (3) Agree to issue a declaratory ruling by a specific date;
- (4) Decide not to issue a declaratory ruling and initiate regulation-making proceedings; or
- (5) Decide not to issue a declaratory ruling, stating his reasons for taking such action.

A copy of any written decision issued under this Section shall be served on all parties and intervenors as provided in § 3-11-17 (d).

(Effective December 28, 1993)

### Article III

#### Personal Data

#### Sec. 3-11-26. Definitions

The following definitions shall apply to sections 3-11-26 to 3-11-33, inclusive of these regulations:

(a) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Conn. Gen. Stat. 4-190 (9).

(b) "Other Data" means any information which because of name, identification number, mark or description can be readily associated with a particular person.

(c) Terms defined in Conn. Gen. Stat. Sec. 4-190 shall apply to sections 3-11-26 to 3-11-33, inclusive of these regulations.

(Effective December 28, 1993)

#### Sec. 3-11-27. General nature and purpose of personal data

The Office of the Treasurer maintains the following personal data systems:

##### (a) Personnel Records

(1) All personnel records are maintained in the Personnel Office of the State Treasurer, 55 Elm Street, Hartford, Connecticut.

(2) Personnel records are maintained in both automated and manual form.

(3) Personnel records are maintained for the purpose of retaining payroll, health, discipline and related personnel information concerning employees of the Office of the Treasurer.

(4) Personnel records are the responsibility of the Personnel Office of the State Treasurer, Hartford, Connecticut. All requests for disclosure or amendment of these records shall be directed to the Personnel Administrator.

(5) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, the Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(6) Personal data in personnel records is collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Stat. Sec. 5-193, et seq.

##### (b) Second Injury Records

(1) Second Injury Fund records are maintained at two locations: (1) Second Injury Fund, Office of the Treasurer, 10 Griffin Road North, Windsor, Connecticut; (2) Office of the Treasurer, 5th Floor Annex, 55 Elm Street, Hartford, Connecticut.

(2) Second Injury Fund records are maintained in the manual form.

(3) Second Injury Fund records are maintained to provide a complete inventory of all data required to process and document payment of claims under the jurisdiction of the Treasurer in his role as Custodian of the Second Injury Fund. In addition, records are maintained to document the fraudulent receipt of payments in regard to claims under the jurisdiction of the Second Injury Fund.

(4) The Assistant Treasurer, Second Injury Fund division, Office of the Treasurer is responsible for maintaining Second Injury Fund records. All requests for disclosure or amendment of these records shall be directed to the Assistant Treasurer, Second Injury Fund.

(5) The routine sources of information retained in Second Injury Fund records are documents filed by parties of interest to a claim under the jurisdiction of the Second Injury Fund.

(6) Second Injury Fund records are collected, maintained, and used under the authority of the Workers' Compensation Act Chapter 568, of the Connecticut General Statutes Sec. 31-275 et seq.

**(c) Investment Portfolio Managers Records**

(1) All investment portfolio manager records are maintained in the Investment Division, Office of the Treasurer, 55 Elm Street, Hartford, Connecticut.

(2) Investment portfolio manager records are maintained in manual form.

(3) Investment portfolio manager records are maintained in order to provide a record of the qualifications and employment and educational history of managers retained by the Treasurer.

(4) Investment portfolio manager records are the responsibility of the Assistant Treasurer - Investments. All requests for disclosure or amendment of these records should be directed to the Assistant Treasurer - Investments.

(5) The routine source for information retained in investment portfolio manager records is SEC Form ADV, submitted by managers in compliance with federal regulations.

(6) Investment portfolio manager records are collected, maintained and used under the authority of Conn. Gen. Stat. § 3-13a (b).

**(d) Unclaimed Property Records**

(1) All unclaimed property records are maintained in the Unclaimed Property Unit, Office of the Treasurer, 55 Elm Street, Hartford, Connecticut.

(2) Unclaimed property records are maintained in manual form.

(3) Unclaimed property records are maintained in order to provide a current listing of abandoned property which has been delivered to the Treasurer and has not been claimed by its owner, and to document payments made by the Treasurer to persons filing claims for recovery of abandoned property.

(4) Unclaimed property records are the responsibility of the Administrator of Unclaimed Property. All requests for disclosure or amendment of these records should be directed to the Administrator of Unclaimed Property.

(5) Routine sources for information retained in unclaimed property records are holder reports filed pursuant to Conn. Gen. Stat. § 3-65a and documents including claim forms filed by claimants for recovery of abandoned property.

(6) Unclaimed property records are collected, maintained and used under the authority of Conn. Gen. Stat. § 3-56a et seq., the state's Unclaimed Property Law. (Effective December 28, 1993)

**Sec. 3-11-28. Categories of personal data**

**(a) Personnel Records**

(1) The following categories of personal data may be maintained in personnel records:

- (A) Educational records.
- (B) Medical or emotional condition or history.
- (C) Employment or business history.
- (D) Other reference records.

(2) The following categories of other data may be maintained in personnel records:

- (A) Addresses.
- (B) Marital status.
- (C) Telephone numbers.

(3) Personnel records are maintained on employees of the Office of the Treasurer and applicants for employment with the Office of the Treasurer.

**(b) Second Injury Records**

(1) The following categories of personal data may be maintained in second injury fund records:

- (A) Social Security numbers
- (B) Federal Tax identification numbers
- (C) Addresses
- (D) Marriage certificates
- (E) Death certificates
- (F) Birth certificates
- (G) Medical records
- (H) Prescription drug records
- (I) Spouse information
- (J) Dependent(s) information
- (K) Wage records
- (L) Employment records
- (M) Injury reports
- (N) Support garnishments
- (O) Liens
- (P) Promissory notes
- (Q) Bank account numbers
- (R) Insurance policy numbers
- (S) Incorporation information
- (T) Unemployment compensation records
- (U) Surveillance reports
- (V) Asset records
- (W) Workers' compensation commission records
- (X) Court records
- (Y) Voluntary agreements
- (Z) Stipulated agreements
- (AA) Compensation payment records
- (BB) Attorney(s) information
- (CC) Physician information

(2) Second injury fund records are maintained on individuals seeking and/or receiving payment for workers' compensation claims under the jurisdiction of the second injury fund. In addition, records are kept on employers of claimants receiving compensation payments from the second injury fund.

**(c) Investment Portfolio Manager Records**

(1) The following categories of personal data may be maintained in investment portfolio manager records.

- (A) Social security numbers
- (B) Federal tax identification numbers
- (C) Educational background
- (D) Employment and business history
- (E) Addresses

(2) Investment portfolio manager records are maintained on investment portfolio managers retained by the Treasurer.

**(d) Unclaimed Property Records**

(1) The following categories of personal data may be maintained in unclaimed property records.

- (A) Social security numbers

- (B) Federal tax identification numbers
- (C) Bank account numbers
- (D) Insurance policy numbers
- (E) Birth certificates
- (F) Death certificates
- (G) Wills
- (H) Probate court documents
- (I) Marriage licenses
- (J) Addresses

(2) Unclaimed property records are maintained on owners of abandoned property, including but not limited to persons filing claims for recovery of abandoned property. (Effective December 28, 1993)

**Sec. 3-11-29. Maintenance of personal data**

(a) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the Office of the Treasurer. Where the Office of the Treasurer finds irrelevant or unnecessary public records in its possession, the Department shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Conn. Gen. Stat. Sec. 11-8a, or if the records are not disposable under the record retention schedule, request permission from the Public Records Administrator to dispose of the records under Conn. Gen. Stat. Sec. 11-8a.

(b) The Office of the Treasurer will collect and maintain all records with accuracy and completeness.

(c) Insofar as it is consistent with its needs and mission, the Office of the Treasurer wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(d) The Office of the Treasurer employees involved in the operation of the Agency's personal data systems will be informed of the provisions of (1) the Personal Data Act, (2) the Agency's regulations adopted pursuant to Sec. 4-196, (3) the Freedom of Information Act and (4) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the Agency.

(e) All Office of the Treasurer employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(f) The Office of the Treasurer shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Agency or on its behalf.

(g) When requesting personal data from any other state agency, the Office of the Treasurer shall have an independent obligation to insure that the personal data is properly maintained.

(h) Only employees who have a specific need to review personal data records for lawful purposes of the Agency shall be entitled to access to such records under the Personal Data Act.

(i) The Office of the Treasurer will keep a written up-to-date list of individuals entitled to access to each of the Agency's personal data systems.

(j) The Office of the Treasurer will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records

through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(k) The Office of the Treasurer will insure that all records in the manual personal data systems are kept under lock and key and, to the greatest extent practical, kept in controlled access areas.

(l) With respect to automated personal data systems the Office of the Treasurer shall:

(1) To the greatest extent practical, locate automated equipment and records in a limited access area.

(2) To the greatest extent practical, require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(3) To the greatest extent practical, insure that the regular access to automated equipment is limited to operations personnel; and

(4) Utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(Effective December 28, 1993)

### **Sec. 3-11-30. Disclosure of personal data**

(a) Within four business days of receipt of a written request therefor, the Office of the Treasurer shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Agency maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(b) Except where nondisclosure is required or specifically permitted by law, the Office of the Treasurer shall disclose to any person upon written request all personal data concerning that individual which is maintained by the agency. The procedures for disclosures shall be in accordance with Conn. Gen. Stat. Secs. 1-15 and 1-18a to 1-21k, inclusive. If the personal data is maintained in coded form, the Office of the Treasurer shall transcribe the data into a commonly understandable form before disclosure.

(c) The Office of the Treasurer is responsible for verifying the identity of any person requesting access to his/her own personal data.

(d) The Office of the Treasurer is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(e) The Office of the Treasurer may refuse to disclose to a person medical, psychiatric or psychological data on that person if the agency determines that such disclosure would be detrimental to that person.

(f) In any case where the Office of the Treasurer refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(g) If the Office of the Treasurer refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and non-disclosure is not mandated by law, the Agency shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the agency shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Agency shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(h) The Office of the Treasurer shall maintain a complete log of each person, individual, agency or organization who has obtained access or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective December 28, 1993)

**Sec. 3-11-31. Contesting the content of personal data records**

(a) Any person who believes that the Office of the Treasurer is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Agency for correction of said personal data.

(b) With 30 days of receipt of such request, the Office of the Treasurer shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the agency shall state the reason for its denial of such request and notify the person of his/her right to add his own statement to his/her personal data records.

(c) Following such denial by the Office of the Treasurer, the person requesting such correction shall be permitted to add a statement to his or her personal data records setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the Agency's personal data system and shall be disclosed to any individual, agency or organization to which the disputed data is disclosed.

(Effective December 28, 1993)

**Sec. 3-11-32. Uses to be made of the personal data**

**(a) Personnel Records**

(1) Personnel records are routinely used for evaluating the qualifications of employment applicants, for processing promotions, reclassifications, transfers to another agency, retirements, and other personnel actions, and for evaluating the work performance of employees of the Office of the Treasurer. Users include the Personnel Administrator and other state officers and employees with responsibility for evaluating the work performance of employees of the agency, and others where permitted or required by law.

(2) The Office of the Treasurer retains personnel records according to guidelines published by the Public Records Administrator, Connecticut State Library.

**(b) Second Injury Fund Records**

(1) Second Injury Fund records are used by the Treasurer to fulfill his statutory duties as Custodian of the Second Injury Fund under the provisions of the Workers' Compensation Act including but not limited to:

(A) For processing the payment of compensation claims under the Second Injury Fund statutes.

(B) For use by the Attorney General's Office in representing the Second Injury Fund in legal proceedings, and informal and formal hearings before the Workers' Compensation Commission.

(C) For the collection of monies due the Second Injury Fund by employers on whose behalf payment of compensation was made.

(D) For the purpose of making assessments on employers and insurance carriers acting on behalf of employers to finance the operations of the Second Injury Fund.

(E) For the investigation of fraudulent claims made against the Second Injury Fund. Users include the Assistant Treasurer and employees of the Second Injury

Fund who assist the Treasurer in his role as custodian of the Second Injury Fund, employees of the Attorney General's Office who act as the Second Injury Fund's legal representative, and others permitted by law.

(2) The Office of the Treasurer, Second Injury Fund division, keeps a permanent record of all files created pursuant to the Connecticut General Statutes, Chapter 568, the Worker's Compensation Act, Sec. 275 et seq. All Second Injury Fund records are maintained according to the guidelines published by the Public Records Administrator, Connecticut State Library.

**(c) Investment Portfolio Manager Records**

(1) Investment portfolio manager records are used by the Treasurer in the process of evaluating applicants seeking positions as investment portfolio managers. Users include the Assistant Treasurer-Investments and employees in the Investment Division who assist the Treasurer in selecting investment portfolio managers and others where permitted or required by law.

(2) The Office of the Treasurer retains investment portfolio manager records according to guidelines published by the Public Records Administrator, Connecticut State Library.

**(d) Unclaimed Property Records**

(1) Unclaimed property records are used by the Treasurer to fulfill his statutory duties under the Unclaimed Property Law including but not limited to:

(A) Annual publication of notice of property presumed abandoned and transferred to the Treasurer in the previous year;

(B) Formal escheat proceedings;

(C) Evaluation of claims filed for recovery of abandoned property; and

(D) Examination of holders of abandoned property. Users include the Unclaimed Property Administrator and employees in the Unclaimed Property Unit who assist the Treasurer in fulfilling the above duties, and others where permitted or required by law.

(2) The Office of the Treasurer keeps a permanent record of all holder reports filed pursuant to Conn. Gen. Stat. § 3-65a, and retains all other unclaimed property records according to guidelines published by the Public Records Administrator, Connecticut State Library.

(e) When an individual is asked to supply personal data to the Office of the Treasurer the agency shall disclose to that individual, upon request:

(1) The name of the Agency and division within the Agency requesting the personal data;

(2) The legal authority under which the Office of the Treasurer is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and agency regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data;

(5) The proposed use to be made of the requested personal data.

(Effective December 28, 1993)

**Sec. 3-11-33. Availability of regulations**

All the regulations and currently pending proposed regulations of the Office of the Treasurer shall be available for inspection during normal business hours at the Treasurer's principal office. Copies of all such regulations shall be available to any person on request. The Treasurer may charge a reasonable fee for each copy.

(Effective December 28, 1993)



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**Disclosure of Third Party Fees—Compensation Related to Contracts for Investment Services**

**Sec. 3-13j-1. Definitions**

As used in sections 3-13j-1 to 3-13j-5, inclusive of the Regulations of Connecticut State Agencies:

(a) ‘Finder’s Fee’ shall have the meaning as provided in Section 3-13l(b)(1) of the Connecticut General Statutes;

(b) ‘Investment services’ shall have the meaning as provided in section 9-333n of the Connecticut General Statutes.

(c) ‘Third party fees’ shall have the meaning as provided in Section 3-13j(c) of the Connecticut General Statutes; and

(d) ‘Treasurer’ means the Treasurer of the State of Connecticut.

(Adopted effective July 5, 2002)

**Sec. 3-13j-2. Disclosure of third party fees**

(a) Any person or entity who would be a party to a contract for investment services with the Office of the Treasurer shall disclose to the Treasurer, in writing, all third party fees attributable to such contract before any such contract may take effect.

(b) Any person or entity who is a party to a contract for investment services with the Office of the Treasurer shall disclose to the Treasurer, in writing, all third party fees attributable to such contract.

(c) Such disclosure shall be made annually, and in accordance with the provisions of subsection (d), (e) and (f) of this section, to the Treasurer by firms seeking to provide investment services and shall be in a sworn affidavit in substantially the following form:

State of \_\_\_\_\_ )  
 ) SS:  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, a duly authorized officer and/or representative of \_\_\_\_\_, being duly sworn, hereby depose and say that:  
(firm name)

1. I am over eighteen (18) years of age and believe in the obligations of an oath.

2. \_\_\_\_\_ (firm name) seeks to enter into a contract for investment services with the Office of the Treasurer (the ‘Contract’).

3. All third party fees and agreements to pay third party fees attributable to the Contract are as follows:

Name of Third Party	Date and Dollar Amount or Value of Non-Cash Compensation Paid or Attributable to Contract	Fee Arrangement	Specific Services performed or to be Performed By Payee <sup>1</sup>

(Attach additional copies of this page as necessary.)

4. The information set forth herein is true, complete and accurate to the best of my knowledge and belief under penalty of perjury.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Notary Public/Commissioner of the Superior Court

(d) Where a provider of investment services discloses the payment of third party fees and/or agreements to pay third party fees, such provider shall explain how said payments and/or agreements fall within one or more of the following exceptions to the ban on finder's fees (as more fully set forth in Section 3-13 of the Connecticut General Statutes and regulations thereto):

(1) Compensation earned for the rendering of legal services when provided by an attorney while engaged in the ongoing practice of law;

(2) Compensation earned for the rendering of investment services, other than legal services, when provided by an investment professional while engaged in the ongoing business of providing investment services;

(3) Compensation for placement agent, due diligence or comparable tangible marketing services when paid to a person who is an investment professional (i) engaged in the ongoing business of representing providers of investment services, or (ii) in connection with the issuance of bonds, notes or other evidence of indebtedness by a public agency;

(4) Compensation earned by a licensed Real Estate Broker or Real Estate Salesperson while engaging in the real estate business on an ongoing basis; or

(5) Payments for client solicitation activities meeting the requirements of Rule 206(4)-3 under the Investment Advisers Act of 1940.

(e) Where a provider of investment services describes in its affidavit the specific services performed by a third party payee, the provider of investment services

<sup>1</sup> Where a provider of investment services describes in its affidavit the specific services performed by a third party payee, the provider of investment services shall disclose any and all contracts evidencing the terms of the fee arrangement and services.

shall disclose any and all contracts evidencing the terms of the fee arrangement and services.

(f) During the contract term for investment services provided to the Office of the State Treasurer, a provider of investment services has a continuing duty to disclose third party fees, in writing, within sixty (60) days upon any change to a prior disclosure.

(Adopted effective July 5, 2002)

**Sec. 3-13j-3. Public inspection of disclosures**

Information disclosed in accordance with section 3-13j-2 of the Regulations of Connecticut State Agencies shall be made available for public inspection in accordance with the Freedom of Information Act, as defined in section 1-200 of the Connecticut General Statutes.

(Adopted effective July 5, 2002)

**Sec. 3-13j-4. Effective date**

These regulations shall become effective on July 5, 2002.

(Adopted effective July 5, 2002)



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## Connecticut Higher Education Trust

### Sec. 3-22h-1. Procedures

These rules govern the practices and procedures for the operation of the Connecticut Higher Education Trust under the applicable laws of the State of Connecticut and in accordance with Section 529 of the federal Internal Revenue Code (*i.e.*, 26 U.S.C. 529) and the federal Treasury regulations (or proposed regulations) promulgated under Section 529 of the Internal Revenue Code. The provisions of Section 529 of the Internal Revenue Code and the Treasury regulations (or proposed regulations) promulgated thereunder are incorporated in sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies by reference and with the same effects as if fully set forth therein.

(Adopted effective June 5, 2003)

### Sec. 3-22h-2. Definitions

As used in sections 3-22h-1 to 3-22h-9, inclusive of the Regulations of Connecticut State Agencies:

(1) “501(c)(3) Organization” means an organization described in Section 501(c)(3) of the Internal Revenue Code and exempt from taxation under Section 501(a) of the Internal Revenue Code;

(2) “Account” means the account in the Trust established by a Participant and maintained for a Beneficiary;

(3) “Account Balance” means the fair market value of an Account as of any specified date;

(4) “Account Owner” means the owner of the Account;

(5) “Beneficiary” means a Designated Beneficiary;

(6) “Cash” shall include, but not be limited to, checks drawn on a banking institution located in the United States in U.S. dollars (other than cashiers’ checks, travelers’ checks or third-party checks exceeding \$10,000), money orders, payroll deduction, and electronic funds transfers. Cash does not include real or personal property;

(7) “Contribution” shall have the same meaning as under Section 529 of the Internal Revenue Code;

(8) “Depositor” shall have the same meaning as under the Statute;

(9) “Designated Beneficiary” shall have the same meaning as under the Statute;

(10) “Disability” shall have the same meaning as “being disabled” under Sections 529 and 530 of the Internal Revenue Code;

(11) “Distribution” shall have the same meaning as under Section 529 of the Internal Revenue Code;

(12) “Earnings” shall have the same meaning as under Section 529 of the Internal Revenue Code;

(13) “Eligible Education Institution” shall have the same meaning as under the Statute;

(14) “Internal Revenue Code” shall have the same meaning as under the Statute;

(15) “Member of the Family” means an individual who is related to the Beneficiary as listed in subparagraphs (a) through (i) of this definition, together with any changes to such list as may be included, from time to time, in the definition of “Member of the Family” pursuant to Section 529 of the Internal Revenue Code or the Treasury regulations (or proposed regulations) thereunder:

(a) A son or daughter, or a descendant of either;

(b) A stepson or stepdaughter;

- (c) A brother, sister, stepbrother or stepsister;
  - (d) The father or mother, or an ancestor of either;
  - (e) A stepfather or stepmother;
  - (f) A son or daughter of a brother or sister;
  - (g) A brother or sister of the father or mother;
  - (h) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law; or
- (i) The spouse of the Designated Beneficiary or the spouse of any individual described in subparagraphs (a) through (i) of this definition.

For purposes of determining whether a person is a Member of the Family hereunder, a legally adopted child of an individual shall be treated as the child of such individual by blood, and the terms brother and sister include a brother or sister by the half-blood.

(16) “Non-Qualified Withdrawal” means a Distribution from an Account other than (A) a Qualified Withdrawal or (B) a Rollover Distribution;

(17) “Participant” means a Person who has entered into a Participation Agreement pursuant to the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies for the payment of Qualified Higher Education Expenses on behalf of a Beneficiary and includes any Depositor as defined in the Statute;

(18) “Participation Agreements” shall have the same meaning as set forth in the Statute;

(19) “Person” means any individual, estate, association, unincorporated organization, trust, partnership, limited liability company, corporation, the State of Connecticut or any department thereof, or any political subdivision of the State of Connecticut;

(20) “Qualified Higher Education Expenses” shall have the same meaning as set forth in the Statute;

(21) “Qualified State Tuition Program” shall have the same meaning as set forth in the Internal Revenue Code;

(22) “Qualified Withdrawal” means a Distribution from an Account used exclusively to pay Qualified Higher Education Expenses of the Beneficiary;

(23) “Rollover Distribution” means (A) a transfer of funds withdrawn from one Account and deposited to another Account not more than 60 days after the withdrawal of the funds, (B) a transfer of funds from another Qualified State Tuition Program to an Account not more than 60 days after withdrawal of the funds, or (C) a transfer of funds to another Qualified State Tuition Program from an Account not more than 60 days after withdrawal of the funds, in each case to the extent permitted as a rollover distribution as defined in Section 529(c)(3)(C)(i) of the Internal Revenue Code. In each case the transfer shall be made for the benefit of a new Beneficiary who is a Member of the Family of the prior Beneficiary, or, with respect to (B) and (C), for the benefit of the same Beneficiary provided that no other such transfer for the benefit of such Beneficiary has been made within the previous 12 months;

(24) “Scholarship” shall have the same meaning as under Sections 529 and 530 of the Internal Revenue Code;

(25) “Scholarship Account” means an Account in the Trust established by a Participant that is a Scholarship Sponsor and maintained for the benefit of one or more current or future Beneficiaries;

(26) “Scholarship Sponsor” means the State of Connecticut or a local government in this State, or an agency or instrumentality of this State or local government, or

a Section 501(c)(3) Organization, in each case who establishes one or more Accounts as part of a scholarship program;

(27) “Statute” means sections 3-22f to 3-22o of the Connecticut General Statutes;

(28) “Trust” shall have the same meaning as set forth in the Statute;

(29) “Trustee” means the Treasurer of the State of Connecticut in her capacity as Trustee of the Program.

(Adopted effective June 5, 2003; amended February 2, 2005)

### **Sec. 3-22h-3. Purposes**

The purposes of the Trust are (a) to promote and enhance the affordability and accessibility of higher education for residents of the State of Connecticut, and (b) to enable Participants and Beneficiaries to avail themselves of tax benefits provided for Qualified State Tuition Programs under the Internal Revenue Code.

(Adopted effective June 5, 2003)

### **Sec. 3-22h-4. Program administration and management**

The Trust shall be administered and managed in compliance with the provisions of the Internal Revenue Code (including Section 529, other applicable sections and implementing regulations and administrative guidelines), the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies. Procedures and forms for use in the administration and management of the Trust shall be subject to the approval of the Trustee. If the Trustee designates a third party to assist or act for the Trustee with respect to the administration and management of the Trust, the references in sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies to the Trust shall govern such designee of the Trustee.

(Adopted effective June 5, 2003)

### **Sec. 3-22h-5. Trust participation and participation agreements**

(a) **Beneficiary Eligibility.** A Beneficiary may be any individual designated as such in a Participation Agreement.

(b) **Participant Eligibility.** A Participant may be any Person (1) who submits to the Trust a completed Participation Agreement, a Social Security or taxpayer identification number, and an address in the United States, for each of the Participant and the Beneficiary, and (2) who otherwise meets the qualifications set forth in federal law, Connecticut law, and the regulations governing the Trust. A Participant who establishes a Scholarship Account shall provide the valid Social Security numbers or taxpayer identification numbers and addresses in the United States of each Beneficiary of the applicable Scholarship Account prior to or in connection with a request for a distribution.

(c) **Participation Agreements.** To participate in the Trust, a prospective Participant shall submit a completed Participation Agreement with an initial Contribution, a selection of electronic funds transfer or payroll deduction as the method of initial Contribution. The Participation Agreement shall provide that the Participant (and any successor Account Owner) shall retain ownership of payments made under the Program through the opening of an account in the name of the Participant and for the benefit of the Beneficiary designated by such Participant (or the successor Account Owner). Only one Account Owner is permitted per Account, except for Accounts established prior to March 13, 2000 for which certain married Participants elected to hold ownership as joint Participants. Only one Beneficiary is permitted per Account, except that Scholarship Accounts may be established for the benefit of one or more present or future Beneficiaries. One or more Participants may

establish Accounts for a single Beneficiary. Any amendment to the Statute or regulations adopted by the Trustee shall automatically amend the Participation Agreement, and any amendments to the operating procedures and policies of the Program shall amend the Participation Agreement no later than thirty (30) days after adoption by the Trustee. Each Participation Agreement shall provide that the Participation Agreement may be canceled upon the terms and conditions set forth in the Participation Agreement, subject to subsection (i) of this section 3-22h-5.

(d) **Contributions.** All Contributions to Accounts shall be in Cash. The maximum amount that may be contributed by a Participant with respect to a Beneficiary may be established by the Trust, from time to time, but in no event shall be more than the maximum amount permitted for the Trust to qualify as a Qualified State Tuition Program.

(e) **Account Balance Limit on Contributions.**

Contributions for any Beneficiary shall be rejected and returned to the extent the amount of the contribution would cause the total balance of the account, together with other accounts established under the program for the benefit of the same beneficiary, to exceed the maximum amount established by the trust from time to time (the "Account Balance Limit on Contributions"). In no event shall the account balance limit on contributions be more than the amount permitted under Section 529 of the Internal Revenue Code.

(f) **Changes to Beneficiary.** To the extent such change would not cause the balance in an Account for the new Beneficiary to exceed the Account Balance Limit on Contributions, an Account Owner may change the Beneficiary designated for an Account to any Member of the Family of the current Beneficiary at any time, without penalty, by submitting a completed change of Beneficiary form to the Trust in such form as the Trust may specify from time to time. Any change of Beneficiary by an Account Owner other than as permitted in this subsection shall be a Non-Qualified Withdrawal.

(g) **Rollover Distributions.** To the extent such change would not cause the balance in an Account for the new Beneficiary to exceed the Account Balance Limit on Contributions, an Account Owner may transfer, in a Rollover Distribution, all or part of the Account Balance (1) to an Account, or an account in another Qualified State Tuition Program for another Beneficiary who is a Member of the Family of the current Beneficiary or (2) no more than once in any twelve (12) month period, to an account in another Qualified Higher Education Expenses for the same beneficiary by submitting a completed request for transfer of Account funds in such form as the Trust may specify from time to time.

(h) **Changes of Account Ownership.** An Account Owner may transfer ownership of an Account to another Person eligible to be a Participant under the provisions of the Statute and sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies, and upon receipt of a request for change of Account Owner that satisfies the criteria set forth in this subsection, the transferee shall be considered the Account Owner for all purposes related to the Trust, regardless of the source of subsequent Contributions.

(1) General Rule. Any such change of Account ownership shall be effective provided that the transfer (A) is irrevocable, (B) transfers all ownership, reversionary rights, and powers of appointments (*i.e.*, power to change Beneficiaries and to direct Distributions from the Account), and (C) is submitted to the Trust on a change of account owner form in such form as the Trust may specify from time to time and completed by the Account Owner (or, in the event of the death of the Account

Owner, by the personal representative of his or her estate). If the account is held by joint Participants, each spouse shall execute the transfer of ownership.

(2) **Designation of Contingent Account Owners.** Any Account Owner who is an individual person may designate a contingent Account Owner for the Account, to become the owner of the Account automatically upon the death of such Account Owner. Joint Participants may designate a contingent Account Owner who shall become the Account Owner upon the death of the last surviving joint Participant. Prior to the initial action taken by the contingent Account Owner following the death of the deceased Account Owner(s), the contingent Account Owner shall provide a certified copy of a death certificate sufficiently identifying said deceased Account Owner(s) by name and Social Security number or taxpayer identification number, or such other proof of death as is recognized under applicable law.

(i) **Cancellation.** A Participant may cancel a Participation Agreement at any time by submitting to the Trust a notice to terminate the Participation Agreement in such form as the Trust may specify from time to time.

(j) **Separate Accounting.** The Trust shall provide separate accounting (as provided in Section 529 of the Internal Revenue Code) for each Beneficiary for each Account.

(Adopted effective June 5, 2003; amended February 2, 2005)

### **Sec. 3-22h-6. Payment of benefits; withdrawals**

(a) **Withdrawals.** An Account Owner may request a Withdrawal from his or her Account by submitting a completed request for Withdrawal to the Trust in such form as the Trust may specify from time to time with such certifications and supported by such documentation as is requested by the Trustee.

(b) **Distribution Limitations.** No distributions may be made during the thirty-day period prior to the Trust's receipt of a completed change of Account Owner form or request to change the mailing address of the Account Owner, unless the current Account Owner's signature is signature guaranteed on the request. No Contribution may be withdrawn during the ten (10) days after the program manager's receipt of a Contribution.

(c) **Security.** An Account Owner or Beneficiary shall not use any Account or other interest in the Trust or any portion thereof as security for a loan.

(Adopted effective June 5, 2003; amended February 2, 2005)

### **Sec. 3-22h-7. Investments**

(a) **General Investment Standards and Objectives.** The Trustee shall invest the funds on deposit in the Trust, together with any income thereon, in a manner that is reasonable and appropriate to achieve the objectives of the Trust, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The Trustee shall give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within the Trust, liquidity, the projected disbursements and expenditures, and the expected payments, deposits, contributions and gifts to be received. In accordance with the standards established in sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies and in the Statute, the Trustee may invest, through the Trust or any investment manager, funds received pursuant to the Trust. Any such investment shall be made solely in the interest of the Account Owners and Beneficiaries and for the exclusive purposes of providing benefits to Beneficiaries for qualified higher educational expenses and defraying reasonable expenses of administering the Program. An Account Owner or Beneficiary shall not directly or indirectly direct the investment of any Contributions or Earnings of the Trust.

(b) **Delegation of Investment Discretion.** The Trust may delegate to its duly appointed investment counselor authority to act in place of the Trust in the investment or reinvestment of all or part of the funds, and may also delegate to such counselor the authority to act in place of the Trust in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such funds shall have been invested, as well as the proceeds of such investments and such monies. Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission unless exempt from registration.

(Adopted effective June 5, 2003)

### **Sec. 3-22h-8. Additional funds**

(a) **Administrative Fund.** Pursuant to the authority in the Statute for the Trustee to establish one or more funds within the Trust, there is hereby created an Administrative Fund. All monies received by the Trust other than Contributions from Participants (and Earnings thereon), and deposits to the Marketing Fund, shall be deposited in the Administrative Fund. All penalties required by Section 529 of the Internal Revenue Code to be charged to Participants for Non-Qualified Withdrawals shall be deposited in the Administrative Fund. The Trustee also may withdraw an annual fee of up to .02% of the average daily net assets of the Trust to pay for the oversight of the Trust and shall deposit such amount into the Administrative Fund.

(1) The assets of the Administrative Fund shall be deposited in a money market fund, or other such mutual funds as the Trustee shall deem appropriate. All earnings on deposits in the Administrative Fund shall be credited to the Administrative Fund.

(2) Pursuant to the Statute, the Administrative Fund shall be used to support the responsibilities of the Trustee, including meeting expenses for legal, actuarial, accounting, advisory, consulting and other administrative and financial management services.

(3) Pursuant to the Statute, the Trust may apply for, accept and expend gifts, grants, or donations from public or private sources to enable the Trust to carry out its objectives. These funds shall be deposited in the Administrative Fund, and shall be expended only for the purposes for which they were received.

(4) No funds shall be withdrawn, and no expenses shall be paid from the Administrative Fund except to meet the purposes of the Fund. All withdrawals and expenditures shall require the approval of at least two (2) of the following: the Treasurer, her designee for purposes of the Administrative Fund, or the Deputy Treasurer.

(b) **Marketing Fund.** A Marketing Fund has been established for the Trust, separate from all other funds and accounts of the Program. An initial contribution shall be made by the Treasurer's designee for purposes of the Marketing Fund in March 2000 and for each of the following four years. Amounts in this Marketing Fund shall be expended by the Trust for unanticipated costs of the Program with the consent of the Treasurer. All funds allocated to the Marketing Fund shall be invested in a mutual fund.

(Adopted effective June 5, 2003)

### **Sec. 3-22h-9. Severability**

If any provision of sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies, or the application of it to any person or circumstance, is determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies which can be given effect without the

invalid provision or application, and to that end, the provisions of sections 3-22h-1 to 3-22h-9, inclusive, of the Regulations of Connecticut State Agencies are severable.  
(Adopted effective June 5, 2003)



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## Combined Investment Pool

### Secs. 3-27a-1—3-27a-7.

Repealed, December 1, 1996.

## Interest, Reserve for Losses, and Investment Policy of the Short-Term Investment Fund

### Sec. 3-27a-1a. Definitions

As used in sections 3-27a-1a to 3-27a-8a, inclusive of the Regulations of Connecticut State Agencies:

(1) "Treasurer" means the Treasurer of the State of Connecticut.

(2) "Participant" means the individual fund or combined funds for which the treasurer is custodian and/or trustee; and the Connecticut Housing Finance Authority, Connecticut Student Loan Foundation, and all other agencies, instrumentalities and political subdivisions of the state whose funds are accepted by the treasurer for investment purposes in the Short-Term Investment Fund.

(Effective December 1, 1996)

### Sec. 3-27a-2a. Funds eligible to participate

In order to be eligible to invest in the Short-Term Investment Fund the participant shall be one named in Sections 3-13c, 3-27a, 3-27b or 3-27f of the Connecticut General Statutes.

(Effective December 1, 1996)

### Sec. 3-27a-3a. Sale and redemption of certificates of participation

(a) The Treasurer may sell certificates of participation. The Treasurer shall not send formal evidence of participation, but shall send (1) confirmations of daily transactions, and (2) monthly statements of account balances.

(b) Certificates of participation shall be redeemed at the option of (1) the Treasurer, or (2) the Participant upon its giving notice to the treasurer, in a manner and by a time prescribed by the treasurer, on the day such redemption is requested.

(c) Certificates of participation shall be purchased by electronic funds transfer, check or other means approved by the Treasurer. Certificates of participation shall be redeemed by wire in same-day funds, or, at the participant's request, other means approved by the treasurer.

(Effective December 1, 1996)

### Sec. 3-27a-4a. Participant interest distributions

(a) Participant interest shall be determined daily based on the actual earnings of the fund, net of administrative expenses and allocations to the designated surplus reserve.

(b) Participant interest shall be computed on the basis of the actual number of days in the year (365 or 366).

(c) Participant interest shall be paid monthly by (1) check, (2) reinvestment or (3) other means approved by the treasurer within five business days of the end of each month.

(d) The Treasurer shall pay to all participants a special interest distribution pursuant to sections 3-27a and 3-27b of the Connecticut General Statutes consisting of actual interest earnings less previously paid interest, administrative costs, and an allocation to the designated surplus reserve, for the months of June through November 1996, in proportion to the total amount of interest earned by all participants according to

the current monthly guaranteed rates. The special distribution shall be paid by December 31, 1996.

(Effective December 1, 1996)

**Sec. 3-27a-5a. Expenses**

All expenses incurred for the operation of the Short-Term Investment Fund, including expenses incidental for operating the Secondary Market for Student Loans, shall be paid from the fund and charged as expenses prior to determining daily participant interest.

(Effective December 1, 1996)

**Sec. 3-27a-6a. Designated surplus reserve**

(a) The Short-Term Investment Fund shall maintain a designated surplus reserve for possible use in cases of portfolio losses.

(b) Daily allocations to the designated surplus reserve shall be paid from investment income prior to determining participant interest, and shall equal, on an annualized basis, one-tenth of one percent of the fund's investments until the reserve equals one percent of investments.

(c) If net losses significant to the aggregate portfolio occur, they shall be charged against the designated surplus reserve in accordance with the treasurer's investment policy.

(d) If losses exceed the amount then in the designated surplus reserve, the excess losses shall be charged to participants' accounts pro rata.

(Effective December 1, 1996)

**Sec. 3-27a-7a. Account for the fund**

(a) The accounting for the Short-Term Investment Fund shall be consistent with generally accepted accounting principles.

(b) Interest payable to participants shall accrue on a daily basis.

(c) Financial statements for the fund shall be prepared at least quarterly. The fund's fiscal year shall be the same as the state's fiscal year.

(Effective December 1, 1996)

**Sec. 3-27a-8a. Investment policy**

The Treasurer shall invest funds of the Short-Term Investment Fund pursuant to Sections 3-27c and 3-27d of the Connecticut General Statutes and a written investment policy. Such policy shall be distributed to participants annually and whenever it is modified.

(Effective December 1, 1996)

**Sec. 3-27a-9a. Effective date**

These regulations shall become effective on December 1, 1996.

(Effective December 1, 1996)

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## Combined Investment Fund

### Sec. 3-31b-1. Definitions

(a) “Treasurer” shall mean the Treasurer of the State of Connecticut.

(b) “Participant” shall mean a retirement or trust fund for which the Treasurer is custodian and/or trustee and which is in whole or part combined with other funds for investment purposes in accordance with Public Act 229 adopted by the 1972 legislature.

(c) “Securities” shall mean common stock, preferred stock, convertible preferred stock, bonds, debentures, convertible debentures, warrants, rights, mortgages, and all other evidences of investment or ownership.

(d) “Assets” and “liabilities” shall be defined by generally accepted accounting principles and will include but not be limited to investments, cash, receivables and payables.

(e) “Cost Value Per Unit” shall mean the participating retirement or trust fund U.S. dollar cost of acquiring ownership in the investment funds divided by the number of units received for such investment dollars. Unit market value shall be determined based on the net worth of the investment fund at market value as of the preceding month-end.

(f) “Market Value Per Unit” shall mean the market or fair value of an investment fund at a month-end divided by the units owned by participating retirement and trust funds.

(Effective April 19, 1991; amended September 30, 1998)

### Sec. 3-31b-2. Funds eligible to participate

In order to be eligible for participation in any of the combined investment funds, the participant must meet the following criteria:

(a) Be under the control of the Treasurer for investment or custodial purposes.

(b) Have the general characteristics of a perpetual fund including but not limited to the characteristic of no specific termination date, except for short-term combined investment funds which may be established to accommodate short-term investments.

(c) Have investment objectives and investment authority comparable with the other participants in the combined investment funds.

(Effective October 10, 1972; amended September 30, 1998)

### Sec. 3-31b-3. Combined investment funds

(a) Currently there are seven combined investment funds but additional funds may be created by the Treasurer if considered appropriate. The combined investment funds may be collectively referred to as the “State of Connecticut Retirement Plans and Trust Funds.” All securities held in such combined investment funds may be held in nominee names designated by the Treasurer. The funds now established are as follows:

(1) Cash Reserve Account (CRA)—money market instruments—(pension and trust funds only)

(2) Mutual Equity Fund (MEF)—domestic equity instruments

(3) International Stock Fund (ISF)—foreign equity instruments

(4) Private Investment Fund (PIF)—private market investments

(5) Real Estate Fund (REF)—real estate investments

(6) Mutual Fixed Income Fund (MFIF)—fixed income securities

(7) Commercial Mortgage Fund (CMF)—commercial real estate debt

(b) Any other fund established under Section 3-31b of the General Statutes will be governed by these regulations.

(Effective April 19, 1991; amended September 30, 1998)

**Sec. 3-31b-4. Ownership of assets of each fund**

(a) Each participant in each combined investment fund shall have an undivided interest in all the assets of such combined fund. Such interest shall be represented by the number of units owned by the individual participant. The percentage of ownership of each participant in each fund shall be determined by the number of units owned by the participant divided by the total number of units outstanding for the fund. All units shall be equal in value without priority or preference.

(b) Formal certificates of participation will not be issued to the participants but accurate evidence of ownership will be maintained by the Treasurer and will be reported at least quarterly to all participants.

(Effective October 10, 1972; amended September 30, 1998)

**Sec. 3-31b-5. Admission and withdrawal from each fund**

The actual admission to or withdrawal from each fund shall be processed only after the fund is valued on a valuation date described in Sec. 3-31b-6 of these regulations. Except for the initial contribution to the fund and upon such other exceptions made by the Treasurer, admission to and withdrawal from any fund shall be made solely in cash through the purchase or sale of units. The purchase and sales price of such units will be the market value per unit of the fund as determined under these regulations.

(Effective October 10, 1972; amended September 30, 1998)

**Sec. 3-31b-6. Fiscal year and valuation dates**

(a) The fiscal year of the funds shall be the same as the fiscal year of the state.

(b) Valuation date for each fund shall be as follows:

1. Mutual Equity Fund shall be the last business day of each month.
2. Mutual Fixed Income Fund shall be the last business day of each month.
3. Cash Reserve account shall be the end of each business day.
4. International Stock Fund shall be the last business day of each month.
5. Private Investment Fund shall be the last business day of each month.
6. Real Estate Fund shall be the last business day of each month.
7. Commercial Mortgage Fund shall be the last business day of each month.
8. Other funds shall have a valuation date as determined by the Treasurer when the fund is established.

(Effective April 19, 1991; amended September 30, 1998)

**Sec. 3-31b-7. Distribution of income**

Income received by the combined investment funds during the preceding valuation month shall be distributed ratably to retirement and trust participants in accordance with their unit holdings as follows:

Dividends, the amount and frequency to be determined by the Treasurer, shall be declared and paid by the Treasurer to participants on or about the 10th business day of any month following valuation. The dividends will consist of income received by the combined investment funds during the preceding month.

(Effective April 19, 1991; amended September 30, 1998)

**Sec. 3-31b-8. Method of valuation of each unit**

The combined investment funds shall be valued as of the close of business on each valuation date as follows:

(a) Securities listed on exchanges registered with the U.S. Securities and Exchange Commission shall be valued at the closing price on the last trading day of the valuation period. If the security did not trade, the Treasurer shall value the security using one of the following methods which in his opinion best represents fair market value.

(1) The closing price on the last day the security traded.

(2) The mean between the bid and asked prices on the last trading day of the valuation period.

(b) Unlisted securities shall be valued at the mean of the bid and ask on the last trading day of the valuation period or if there is no bid and ask then such mean on the last trading day a bid and ask is available. If no ask price is reported, the bid may be used.

(c) Prices for the valuation referred to in sub-paragraphs (a) and (b) above may be obtained from The Master Custodian Bank, a private pricing service designated by the Treasurer, the Wall Street Journal, New York Times or a newspaper having general circulation in the city of Hartford.

(d) With respect to investments without established markets such as limited partnerships and similar instruments, the Treasurer shall determine fair value by relying on appraisals and valuations estimated by general partners, or on external rating services. In the event that such valuation cannot be obtained from the above-mentioned sources, or in the event in the opinion of the Treasurer the evaluation is not realistic, the Treasurer shall determine the fair market value of those securities.

(e) Securities purchased and awaiting payment against delivery shall be included for valuation purposes as a security held, and the purchase price, including broker's commissions or expenses of the purchase, shall be set up as a liability. Securities sold but not delivered pending receipt of proceeds shall be valued at the net sales price.

(f) The fair market value of rights and warrants when securities are trading ex-rights or ex-warrants together with principal cash shall also be included in determining the total value of the units. Valuation of rights and warrants will be determined in the same manner as that of other securities as defined in (a), (b), (c) and (d) above.

(g) The net worth of the investment fund including all assets, liability and income components, divided by the total number of units outstanding shall determine the market value per unit.

(Effective April 19, 1991; amended September 30, 1998)

### **Sec. 3-31b-9. Cost value per unit for the participant and cost value for the funds**

(a) Each participant's initial cost value per unit shall be determined by dividing the total cost of each participant's applicable contributions by the number of units which has been distributed for those contributions.

(b) The initial cost value of each contribution of each participant shall be transferred to the combined investment funds and shall become the cost of that contribution in the combined investment funds. The sum total of all the cost values of all the contributions shall equal the sum total of the cost values per unit as described in (a) above.

(c) All transactions involving the combined investment funds made after initial cost values of the assets have been established will affect the cost value of the funds but will not change the cost value per unit of the participants. Cost value of the participant will change when new participant contributions or redemptions are made.

(Effective April 19, 1991; amended September 30, 1998)

**Sec. 3-31b-10. Accounting treatment for combined investment funds**

Absent specific regulations to the contrary, all of the combined investment funds shall follow Generally Accepted Accounting Principles (GAAP) as promulgated under the direction of the Financial Accounting Foundation. Preference shall be given to Government Accounting Standards Board pronouncements where applicable.

(Effective April 19, 1991)

**Sec. 3-31b-11. Accounting treatment of bonds purchased at discount or premium**

(a) When bonds are purchased at a premium, the amount of the premium shall be amortized monthly on a straight line basis over the life of the bond. The monthly amortization shall be charged against income.

(b) When bonds are purchased at a discount, the amount of the discount shall be accreted monthly on a straight line basis over the life of the bond. The monthly accretion shall be reflected as income. Accretion income will not be distributed.

(c) When bonds purchased at a discount or premium are sold, the difference between the sale price and the purchase price or amortized or accreted purchase price shall be treated as a realized gain or loss as defined and outlined in Sec. 3-31b-10.

(Effective October 10, 1972; amended September 30, 1998)

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## Description of Organization

### Introduction

#### Part 1

##### **Sec. 3-77-1. Creation and authority**

The Secretary of the State was established following the adoption of the Fundamental Orders of Connecticut in 1638. The Secretary of the State has a constitutional mandate and over fifty statutory mandates.

(Effective September 26, 1988)

##### **Sec. 3-77-2. Basic organization**

(a) The office of the Secretary of the State is basically composed of the following divisions: Management & Support Services; Records & Legislative Services; Commercial Recording; and Elections Services. The areas of responsibility of each of the divisions are as follows:

(1) The Management & Support Services Division performs budget, personnel, payroll, accounting, training, publication, distribution and sales, and revenue related activities for the Office of the Secretary of the State.

(2) The Records & Legislative Services Division serves as the repository for all public acts, resolutions, special acts, administrative regulations, notary public registrations and annual meeting schedules of state agencies. The Division also publishes and distributes the state Register and Manual, and the Connecticut General Statutes; performs records management activities, and issues certificates of good standing for corporations.

(3) The Commercial Recording Division determines statutory compliance and files all stock and nonstock corporate certificates, limited partnership certificates, Uniform Commercial Code Liens, and trade and servicemark registrations. The Division serves as the agent for service of process for corporations, partnerships and out-of-State individuals. The Division responds to inquiries concerning corporations, limited partnerships, trademark registrations and UCC liens, prepares certified copies of recorded documents, and issues certificates of good standing for corporations.

(4) The Elections Services Division administers state constitutional and statutory provisions relating to elections, primaries, nominating procedures, and voter registration and enrollment.

(b) Pursuant to Conn. Gen. Stat. Sec. 20-279, the State Board of Accountancy is within the office of the Secretary of the State.

(Effective September 26, 1988)

#### Part 2

### Public Information

##### **Sec. 3-77-3. Official address**

All communications should be addressed to the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106, unless otherwise specifically indicated.

(Effective September 26, 1988)

##### **Sec. 3-77-4. Location of principal office**

The principal office of the Secretary of the State is located at 30 Trinity Street, Hartford, Connecticut 06106. Normal business hours are from 8:30 to 4:30 daily,

except Saturdays, Sundays and holidays. In person requests for information and inspection of documents filed in the Commercial Recording Division may only be made between the hours of 10:00 a.m. and 2:55 p.m.

(Effective September 26, 1988)

#### **Sec. 3-77-5. Public inspection**

In addition to publication of regulations adopted, amended or repealed as required by chapter 54 of the General Statutes as amended, a compilation of all regulations, policy statements, final orders, decisions, minutes, opinions, and forms and instructions used by the various divisions of the office of the Secretary of the State, as well as annual schedules of regular meetings of public agencies, notice of and minutes of special meetings of public agencies, and agendas of regular meetings of public agencies that have no regular office or place of business, are available for public inspection at the principal office during normal business hours.

(Effective September 26, 1988)

#### **Sec. 3-77-6. Request for information**

(a) Requests for information should be directed to the appropriate division at the principal office. When the appropriate division is not known or when information is requested concerning overall office matters, requests should be directed to the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106.

(b) There is no prescribed form for requests for information directed to the Management & Support Services, Records & Legislative Services, or Election Services Divisions. Requests should be sufficiently specific to permit easy identification of the information requested, and may be made in writing, in person, or by telephone.

(c) Requests for information concerning Uniform Commercial Code liens must be made on a form prescribed by the Commercial Recording Division. Requests for information concerning corporations, trademarks, or limited partnerships may be made on forms prescribed by the Commercial Recording Division, or may be made in person or by letter.

(Effective September 26, 1988)

### **Part 3**

#### **Courses and Methods of Operation**

#### **Sec. 3-77-7. Management & support services division**

The Management & Support Services Division:

(a) Carries out agency policy and coordinates general management of the agency.

(b) Performs budget, personnel, payroll, accounting, training, publications, distributions and sales, statewide planning, and revenue related activities.

(c) Performs such other functions and duties as required.

(Effective September 26, 1988)

#### **Sec. 3-77-8. Records & legislative services division**

The Records & Legislative Services Division:

(a) Transmits to the Governor all public and special acts passed by the General Assembly.

(b) Indexes and files all public and special acts, administrative regulations and resolutions enacted.

(c) Reviews all applications for appointments of notaries and issues and records certificates of notary appointments, as well as registrations and renewals of notary appointments.

(d) Compiles, edits and supervises publication of the State Register and Manual, Corporation Laws, the Statement of Vote, the Constitution of Connecticut, and various brochures concerning the state's history and government.

(e) Publishes and distributes the Connecticut General Statutes and the Public and Special Acts.

(f) Authenticates documents of record, prepares certified copies of all documents of record, and prepares certificates of good standing for domestic and foreign corporations whose last-due annual or biennial report has been filed. Certifications are also prepared attesting to the appointment of notaries public and state officials; and also certifies writs of extradition.

(g) Performs records management activities.

(h) Compiles and receives schedules of regular meetings of public agencies, notices of and minutes of special meetings of public agencies, and agendas of regular meetings of public agencies with no regular office or place of business.

(i) Performs such other functions and duties as required.

(Effective September 26, 1988)

### **Sec. 3-77-9. Commercial recording division**

The Commercial Recording Division:

(a) Reviews all certificates submitted by Connecticut and foreign corporations and limited partnerships for statutory compliance, and accepts or rejects same; and if accepted, records said certificates.

(b) Reviews, accepts or rejects annual/biennial reports of all corporations doing business in the State of Connecticut; and if accepted, records said reports.

(c) Reviews, accepts or rejects, and if accepted, records, certificates of compliance by public utility companies, business trusts, railroad mortgages; appointments of the Secretary of the State as agent for service for out-of-state real estate, circuses, amusements, and shows; and appointment of attorneys under Wills.

(d) Accepts service of process for corporations, partnerships and out-of-state individuals.

(e) Pursuant to Article 9 of the Uniform Commercial Code accepts for filing financing statements, and statements of continuation, amendment, partial release and termination.

(f) Answers oral and written inquiries as to the identity and addresses of officers, directors and statutory agents of domestic and foreign corporations, and as to the location and legal status of corporations.

(g) Receives and reviews applications for trade and servicemark registration; searches agency records for any conflict with previously registered trade and servicemarks; and accepts or rejects said applications.

(h) Performs such other functions and duties as required.

(Effective September 26, 1988)

### **Sec. 3-77-10. Elections services division**

The Elections Services Division:

(a) Resolves questions of statutory interpretation involving State election and primary law; provides general advice to local officials in matters concerning home rule, charter revision, and local referenda.

(b) Prescribes the content of all election and primary forms, prints and distributes absentee ballot envelopes and instructions to municipalities.

(c) Verifies each municipality's printed absentee and sample ballots for accuracy and, where serious errors exist, orders the reprinting of such materials.

(d) Educates and trains registrars of voters and municipal clerks by conducting schools, convening conferences and distributing educational information.

(e) Coordinates elections and primaries by counting petition signatures; providing Town Clerks and the general public with the official lists of candidates to be printed on the ballot; tabulating, certifying, and distributing the official vote totals.

(f) Receives, reviews, records and maintains campaign financing files.

(g) Performs such other functions and duties as required.

(Effective September 26, 1988)

### Rules of Practice

#### Sec. 3-77-11. Application and construction

The rules herein govern practice and procedure before the Secretary of the State except where otherwise provided by law.

(Effective September 26, 1988)

#### Sec. 3-77-12. Definitions

The definitions provided by Conn. Gen. Stat. Sec. 4-166 shall govern the interpretation and application of these rules, unless the context otherwise requires.

(Effective September 26, 1988)

#### Sec. 3-77-13. Contested cases

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice in a contested case shall include: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and/or regulations involved; (4) a short and plain statement of the matters asserted; (5) a statement that each respondent may, if he desires, be represented by an attorney.

(c) If a respondent can reasonably show a need for additional time to prepare a defense to the alleged violations of law, an extension of time may be granted by moving the scheduled hearing to a later date. The granting of such a request is within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(d) If a respondent can reasonably show that the complaint is unclear or ambiguous as to the nature of the acts in violation of the law, he may file with the agency a written motion for a more detailed statement of the nature of the charges against him. The granting or denial of such a motion is within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(e) Appearances, Admissions and Denials, Answers, Motions and any other pleading which a Respondent wishes considered by the Secretary of the State prior to the convening of a contested case proceeding may be filed up to seven days prior to the hearing date. Failure to file any pleadings may allow the matter to proceed. However, if a Respondent can reasonably show a need for additional time to submit pleadings, an extension of time may be granted. The granting of such a request is

within the complete discretion of the Secretary of the State or such presiding officer as has been designated by the Secretary of the State.

(Effective September 26, 1988)

### **Sec. 3-77-14. Conduct of adjudicative hearings in contested cases**

(a) Hearings in contested cases shall be public and shall be presided over by the Secretary of the State or his designated presiding officer.

(b) Said Secretary of the State or presiding officer shall have the power to:

(1) Regulate the course of the hearing and the conduct of the parties and their counsel therein;

(2) Ensure that all testimony is given under oath;

(3) Rule upon offers of proof and to receive evidence;

(4) Consider and rule upon all motions; and

(5) Require any additional written and/or oral argument.

(c) Each party in an adjudicative hearing shall have the right to present evidence, cross examine witnesses, enter motions and objections, and assert all other rights essential to a fair hearing.

(d) Intervention by interested persons as a party shall be permitted in any contested case as provided by applicable statute, or may otherwise be permitted within the discretion of the Secretary of the State or presiding officer.

(e) All adjudicative hearings in contested cases shall be recorded and shall be conducted in accordance with the provisions of chapter 54 of the General Statutes.  
(Effective September 26, 1988)

### **Sec. 3-77-15. Transcript of the proceedings**

(a) At the close of the reception of evidence, the respondent or any other party of record may file a written request addressed to the presiding officer for a written transcript of the proceedings. If no such written request is filed, the Secretary of the State or presiding officer may order that a written transcript be prepared.

(b) If any party of record desires a copy of the transcript, it will be made available to him upon written request and the tendering of the appropriate cost.

(Effective September 26, 1988)

### **Sec. 3-77-16. Informal disposition in contested cases**

Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default upon order of the Secretary of State.

(Effective September 26, 1988)

### **Sec. 3-77-17. The record in contested cases and findings of fact**

(a) The record in a contested case shall include:

(1) All motions, pleadings and intermediate rulings;

(2) The evidence received or considered;

(3) Questions and offers of proof, objections and rulings thereon;

(4) The decision, opinion, or report by the officer presiding at the hearing or the Secretary of the State.

(b) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(Effective September 26, 1988)

**Sec. 3-77-18. Proposal for decision**

When in a contested case the Secretary of State has not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the office of the Secretary of the State, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the Secretary of the State. The proposal for decision shall contain a statement of the reasons therefor, and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

(Effective September 26, 1988)

**Sec. 3-77-19. Final decision in a contested case**

(a) The final decision or order in a contested case shall be rendered by the Secretary of the State after due consideration of the entire record. If no written request was filed for the preparation of a transcript, a final decision may be rendered at any time following the close of the hearing. If a transcript was requested in writing, the final decision may be rendered within a reasonable time following preparation of the transcript.

(b) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record.

(c) Parties shall be notified either personally or by mail of any decision or order. A copy of the text of the final decision or order shall be sent by mail to each of the respondents and respondent's counsel, and to any other party of record.

(Effective September 26, 1988)

**Sec. 3-77-20. Matters involving licenses**

(a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of these regulations concerning contested cases apply.

(b) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(c) If the Secretary of the State finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(d) Any application for a license or renewal of license shall include, unless otherwise provided by statute or regulation promulgated by the office of the Secretary of the State: (1) the name and address of the applicant, and (2) any other information which the office of the Secretary of the State may require. Applications shall be addressed to the appropriate division of the office of the Secretary of the State and shall be sent by mail or delivered during normal business hours to him in such quantity as he may require.

(Effective September 26, 1988)

**Sec. 3-77-21. Petition requesting the promulgation, amendment or repeal of regulations**

(a) Any interested person may at any time petition the Secretary of the State requesting the promulgation, amendment or repeal of a regulation.

(b) The petition shall be in writing and hand delivered or submitted by mail to the Secretary of the State during normal business hours. In addition, the petition shall set forth clearly and concisely the text of the proposed regulation or amendment or the provisions sought to be repealed. The petition shall also state the facts and arguments on which the petitioner relies either in the petition or in a brief annexed thereto.

(c) The petition shall be signed by the petitioner or the petitioner's attorney of record, if any.

(d) The petition shall include the name, address, and telephone number of the petitioner or the petitioner's attorney to whom all correspondence and/or communications in regard to the petition shall be addressed.

(e) Upon receipt of the petition, the Secretary of State shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(f) If the Secretary of the State denies the petition, the Secretary of the State shall give the petitioner, or petitioner's attorney, notice in writing, stating the reasons for the denial.

(Effective September 26, 1988)

**Sec. 3-77-22. Petition for declaratory ruling**

(a) These rules set forth the procedure to be followed by the Secretary of the State in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the Secretary of the State.

(b) Any interested person may at any time request a declaratory ruling from the Secretary of the State with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the Secretary of the State. Such request shall be in writing, signed by the petitioner or petitioner's attorney, and submitted by mail or hand delivered during normal business hours to the office of the Secretary of the State. In addition, such a request shall:

(1) state clearly and concisely the substance and nature of the request;

(2) identify the statute, regulation or order concerning which the inquiry is made;

(3) identify the particular aspect thereof to which the inquiry is directed. The request for a declaratory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry; and

(4) include the name, address, and telephone number of the petitioner or the petitioner's attorney to whom all correspondence and/or communications in regard to the petition shall be addressed.

(c) The Secretary of the State may give notice to any person that such a declaratory ruling has been requested, and may receive and consider data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(d) The Secretary of the State may conduct a hearing pursuant to Conn. Gen. Stat. Sec. 4-177 and Sec. 4-178 for the purpose of finding facts as the basis for a declaratory ruling. The Secretary of the State shall give notice of such hearing as shall be appropriate. The provisions of sections 3-77-14 through and including 3-77-19 of these regulations shall apply to such hearings.

(e) If the Secretary of the State determines that a declaratory ruling will not be rendered, the Secretary of the State shall within thirty (30) days, after receipt of the petition notify the person so inquiring that the request has been denied. If the Secretary of the State renders a declaratory ruling, a copy of the ruling shall be sent to the petitioner and to the petitioner's attorney, if any, and to any other person who has filed a written request for a copy with the Secretary of the State.

(Effective September 26, 1988)

**Sec. 3-77-23. Advisory opinions**

The Secretary of the State may give, at his sole discretion, advisory opinions pursuant to Conn. Gen. Stat. Sec. 9-3.

(Effective September 26, 1988)

**Personal Data**

**Sec. 3-77-24. Personal data**

**(a) Definitions.**

(1) The following definitions shall apply to these regulations:

(A) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Conn. Gen. Stat. § 4-190 (9).

(B) "Other Data" means any information which because of name, identification number, mark or description can be readily associated with a particular person.

(2) Terms defined in Conn. Gen. Stat. § 4-190 shall apply to these regulations.

**(b) General nature and purpose of personal data systems.**

(1) The office of the Secretary of the State maintains the following personal data system:

**(A) Personnel Records.**

(i) All personnel records are maintained at the office of the Secretary of the State, Management & Support Services Division, 30 Trinity Street, Hartford, Connecticut 06106.

(ii) Personnel records are maintained in both automated and manual form.

(iii) Personnel records are maintained for the purposes of providing a history of payroll, promotion, discipline and related personnel information concerning employees of the office of the Secretary of the State.

(iv) Personnel records are the responsibility of the Administrator of the Management & Support Services Division, whose business address is Office of the Secretary of the State, Management & Support Services Division, 30 Trinity Street, Hartford, Connecticut 06106. All requests for disclosure or amendment of these records should be directed to the Administrator of the Management & Support Services Division.

(v) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(vi) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Stat. § 5-193 et. seq.

**(B) Notary Public Appointment Records.**

(i) Notary Public appointment records are the responsibility of the Administrator of the Records & Legislative Services Division, 30 Trinity Street, Hartford, Connecticut 06106.

(ii) Notary Public appointment records are maintained in both automated and manual form.

(iii) Notary Public appointment records are maintained for the purposes of determining the qualifications of notary public applicants and the continued suitability of appointees applying for renewal of their appointments.

(iv) All requests for disclosure or amendment of Notary Public appointment records should be directed to the Administrator of the Records & Legislative Services Division, 30 Trinity Street, Hartford, Connecticut 06106.

(v) Routine sources of information retained in appointment records include applicants for appointment, personal and professional references provided by applicants and town clerk's recommendations.

(vi) Personal data in Notary Public appointment records are collected, maintained and used under authority of Conn. Gen. Stat. § 3-91.

(C) Waivers of Disclosure of Personal Residence by Directors and Officers of Corporations.

(i) Waivers of disclosure of personal residence by directors and officers of corporations are maintained with the Commercial Recording Division, Office of the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106.

(ii) Waivers of disclosure of personal residence by directors and officers of corporations are maintained in manual form.

(iii) Waivers of disclosure of personal residence by directors and officers of corporations are maintained to protect the personal security of public figures.

(iv) Waivers of disclosure of personal residence by directors and officers of corporations are maintained by the Administrator of the Commercial Recording Division, Office of the Secretary of the State, 30 Trinity Street, Hartford, Connecticut 06106. All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in waivers of disclosure of personal residence by directors and officers of corporations include directors and officers.

(vi) Personal data in waivers of disclosure of personal residence by directors and officers of corporations are collected, maintained and used under authority of Conn. Gen. Stat. § 33-298, § 33-406, § 33-435, and § 33-514.

(c) **Categories of personal data.**

(1) Personnel Records.

(A) The following categories of personal data are maintained in personnel records:

(i) Educational records.

(ii) Medical or emotional condition or history.

(iii) Employment records.

(iv) Marital status.

(v) Other reference records.

(B) The following categories of other data may be maintained in personnel records:

(i) Addresses.

(ii) Telephone numbers.

(C) Personnel records are maintained on employees of the office of the Secretary of the State and applicants for employment with the office of the Secretary of the State.

(2) Notary Public appointment records.

(A) The following categories of personal data may be maintained in Notary Public appointment records:

- (i) Employment or business history.
- (ii) Criminal records.
- (iii) Personal and professional references.
- (iv) Town Clerk's recommendations.

(B) The following categories of other data may be maintained in Notary Public appointment records:

- (i) Addresses.
- (ii) Telephone numbers.
- (iii) Renewal records.

(C) Notary Public appointment records are maintained on appointed Notary Publics and applicants for appointment.

(3) Waivers of disclosure of personal residence by directors and officers of corporations.

(A) The following categories of personal data are maintained in records of waivers of disclosure of personal residence by directors and officers of corporations:

- (i) Finances.
- (ii) Personal relationships.
- (iii) Reputation or public status.
- (iv) Personal residence address.
- (v) Employment history.

(B) The following categories of other data may be maintained in records of waivers of disclosure of personal residence by directors and officers of corporations:

- (i) Telephone numbers.

(C) Records of waivers of disclosure of personal residence by directors and officers of corporations are maintained on directors and officers of foreign and domestic corporations seeking or holding waivers of disclosure of personal residence.

**(d) Maintenance of personal data—general.**

(1) Personnel data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the office of the Secretary of the State. Where the office finds irrelevant or unnecessary public records in its possession, the office shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator in accordance with the provisions of Conn. Gen. Stat. § 11-8a, or if the records are not disposable under the records retentions schedule, request permission from the Public Records Administrator to dispose of the records under Conn. Gen. Stat. § 11-8a.

(2) The office of the Secretary of the State will collect and maintain all records with accurateness and completeness.

(3) Insofar as it is consistent with the needs and mission of the office, wherever practical, the office shall collect personal data directly from the persons to whom a record pertains.

(4) Employees of the office of the Secretary of the State involved in the operations of the office's personal data systems will be informed of the provisions of the (A) Personal Data Act, (B) the office's regulations adopted pursuant to Conn. Gen. Stat. § 4-196, (C) the Freedom of Information Act, and (D) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(5) All employees of the office of the Secretary of the State shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The office of the Secretary of the State shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the office or on its behalf.

(7) The office of the Secretary of the State shall have an independent obligation to insure that personal data requested from any other state agency is properly maintained.

(8) Only office employees of the Secretary of the State who have a specific need or legal authority to review personal data records for lawful purposes of the agency will be entitled to access to such records under the Personal Data Act.

(9) The office of the Secretary of the State will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The office of the Secretary of the State will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartment mail, such records will be sent in envelopes or boxes sealed and marked "personal and confidential."

(11) The office of the Secretary of the State will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

**(e) Maintenance of personal data—automated systems.**

(1) To the greatest extent practical, automated equipment and records pertaining to personal data shall be located in a limited access area.

(2) To the greatest extent practical, the office of the Secretary of the State shall require visitors to such limited access area to sign a visitor's log and permit access to said area on a bonafide need-to-enter basis only.

(3) To the greatest extent practical, the office of the Secretary of the State will insure that regular access to automated equipment pertaining to personal data is limited to operations personnel.

(4) The office of the Secretary of the State shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

**(f) Maintenance of personal data—disclosure.**

(1) Within four business days of receipt of a written request therefor, the office shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the office maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or specifically permitted by law, the office of the Secretary of the State shall disclose to any person upon written request all personal data concerning that individual which is maintained by the office. The procedures for disclosure shall be in accordance with Conn. Gen. Stat. § 1-15 through § 1-21k. If the personal data is maintained in coded form, the office shall transcribe the data into a commonly understandable form before disclosure.

(3) The office of the Secretary of the State is responsible for verifying the identity of any person requesting access to his/her own personal data.

(4) The office is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) The office of the Secretary of the State may refuse to disclose to a person medical, psychiatric or psychological data on that person if the office determines that such disclosure would be detrimental to that person.

(6) In any case where the office of the Secretary of the State refuses disclosure, it shall advise the person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the office refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the office shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's records to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the office shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the office shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The office of the Secretary of the State shall maintain a complete log of each person, individual, agency or organization who has obtained access to, or to whom disclosure has been made of personal data, under the Personal Data Act, together with the reason for each such disclosure or access. This log shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

**(g) Contesting the content of personal data records.**

(1) Any person who believes that the office is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the office for correction of said personal data.

(2) Within 30 days of receipt of such request, the office shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the office shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(3) Following such denial by the office, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the office's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

**(h) Uses to be made of the personal data.**

**(1) Personnel Records.**

(A) Employees of the office of the Secretary of the State who are assigned personnel and payroll responsibilities use the personal data contained in the office's personnel records in processing promotions, reclassifications, transfers to another agency, retirement and other personnel actions. Managers and supervisors use the personal data when promotion, career counseling, or disciplinary action against such employee is contemplated, and for other employment-related purposes.

(B) Personnel records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. § 11-8a, a copy of which is available from the Management & Support Services Division.

**(2) Notary Public Appointment Records.**

(A) Notary Public appointment records are used to determine the qualifications of applicants for appointment as notary public and the continued qualification of appointees. Users include all employees of the Records & Legislative Services Division of the office of the Secretary of the State, and others where permitted or required by law.

(B) Notary Public appointment records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. § 11-8a, a copy of which is available from the Records & Legislative Services Division.

(3) Waiver of disclosure of Personal Residence by Directors and Officers of Corporations.

(A) Records of waiver of disclosure of personal residence by directors and officers of corporations are maintained to protect the personal security of public figures. Users include the Administrator of the Commercial Recording Division or his designee.

(B) Records of waiver of disclosure of personal residence by directors and officers of corporations are retained permanently.

(4) When an individual is asked to supply personal data to the office of the Secretary of the State, the office shall disclose to that individual, upon request, the name of the agency which is requesting the data, the legal authority under which the agency is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and the agency's regulations, the known consequences arising from supplying or refusing to supply the requested personal data, and the proposed use to be made of the requested personal data.

(Effective March 23, 1989)



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## State Register and Manual

### Sec. 3-90-1. Publication and distribution

The Secretary of the State shall publish annually the Connecticut State Register and Manual and shall charge \$10.00 per soft-bound manual and \$19.00 per hard-bound manual, except for the following state agencies and officers, to whom the following number of soft-bound manuals shall be distributed annually without charge:

- (a) Twenty (20) copies to the Office of the Governor.
- (b) Two (2) copies to the Office of the Lieutenant Governor.
- (c) Five (5) copies to the Office of the Treasurer.
- (d) Five (5) copies to the Office of the Comptroller.
- (e) Twenty (20) copies to the Office of the Attorney General.
- (f) Two hundred (200) copies to the Office of Legislative Management.
- (g) Eight (8) copies to each United States Senator and four (4) copies to each Representative in Congress from this state.
- (h) One (1) copy to each State Senator and Representative.
- (i) One (1) copy to each Supreme Court Justice, Appellate Court Judge, Superior Court Judge, and Judge of Probate.
- (j) One (1) copy to each state's attorney, and mayor of a city.
- (k) One (1) copy to each town clerk and registrar of voters.
- (l) One (1) copy to each superior court clerk and geographical area court clerk.
- (m) Six hundred sixty (660) copies to the state librarian to be distributed to other states and foreign countries and to the law and the public libraries of this state.
- (n) Two hundred ninety (290) copies to the Commission on Official Legal Publications.
- (o) Twenty (20) copies to the Auditors of Public Accounts.
- (p) One (1) copy to the State Historian.
- (q) Three (3) copies to the Connecticut Historical Commission.
- (r) Fifty (50) copies to the Department of Public Safety and State Police.
- (s) One hundred sixty (160) copies to be retained by the Secretary of the State for distribution to unaffiliated agencies and officers, upon written request.
- (t) The Secretary of the State shall retain two hundred and fifty (250) hard-bound copies of the State Register and Manual for distribution, without charge, to officers and agencies of government, whether state, federal or foreign, at the discretion of the secretary.

(Effective April 23, 1990, amended September 25, 2009)

### Sec. 3-90-2. Retail sale of the Connecticut State Register and Manual

(a) The Secretary of the State may sell copies of the State Register and Manual through an agent or agents engaged in the retail sale of books and/or related materials. Copies sold to such agents shall be discounted 40% from the prices specified in Section 3-90 of the Connecticut General Statutes. No discount may be offered for orders of fewer than five copies.

The foregoing notwithstanding, the discounted unit price cannot be lower than the actual unit cost of production as determined by printer's charges.

(b) Designation of such agents will be made at the sole discretion of the Secretary of the State. All orders from such designated agents shall be placed on the agent's order form and be accompanied by payment for all copies ordered. All sales to such agents shall be final. Unsold items may not be returned for credit or refund.

(Effective September 17, 1992)



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## Expedited Services

### Sec. 3-99a-1. Procedure governed

Sections 3-99a-1 to 3-99a-10, inclusive, of the Regulations of Connecticut State Agencies govern practice and procedure before the Office of the Secretary of the State, Commercial Recording Division under the applicable laws of the State of Connecticut for expedited services, except where statute otherwise provides.

(Effective December 30, 1986; amended May 13, 1998)

### Sec. 3-99a-2. Definitions

As used in sections 3-99a-1 through 3-99a-11 of these regulations:

(a) "Division" means the Commercial Recording Division of the Office of the Secretary of the State.

(b) "Expedited Service" shall mean the completion of a request within twenty-four hours of its receipt by the Division, except in those cases where the twenty-four hour period for performance as described in section 3-99a-7 of these regulations ends on a Saturday, Sunday, holiday or day on which the division is not open for business, in which case the twenty-four hour period shall be extended to the appropriate hour of the next succeeding business day on which the division is open for business.

(c) "Request" means a specific directive to process one or more transactions, as defined in section 3-99a-2 of these regulations, on an expedited basis. Requests shall be made on a form prescribed by the Secretary of the State which shall set forth: (1) the name of the entity or organization, such as a corporation, limited partnership, limited liability company or limited liability partnership which identifies the subject matter of the transaction; (2) the name of the person submitting the request; (3) any other information the Secretary of the State may deem necessary and proper to perform his duties under these regulations. Only one entity or organization shall be named in each request.

(d) "Secretary of the State" means Secretary of the State of Connecticut.

(e) "Person" means any natural person, individual, limited partnership, partnership, corporation, limited liability company, limited liability partnership, association, union, governmental subdivision, public or other organization capable of suing or being sued in a court of law.

(f) "Mail" means any request for expedited service delivered to the division by the United States Postal Service or any courier service in the delivery business.

(g) "Transaction" means any submission under section 3-99a-3 (a) of these regulations for which a distinct fee has been established by the titles and sections of the Connecticut General Statutes referenced in section 3-99a-3a of these regulations, except that the simultaneous submission of a certificate of incorporation and an organization and first report under a single corporate name pursuant to Title 33 of the Connecticut General Statutes or of a transfer of reserved name and filing which uses that name under either Title 33 or Title 34 of the Connecticut General Statutes shall be considered one transaction.

(h) "Public service counter" means the counter over which the Division receives requests in hand located at 30 Trinity Street, Hartford, CT.

(Effective December 30, 1986; amended May 13, 1998)

### Sec. 3-99a-3. Applicability

(a) The division may expedite any transaction authorized under the following titles and sections of the Connecticut General Statutes: Title 33 & Title 34; 16-230;

45-191; 47a-21 (f); 47-6a; 13b-208; 20-329c; 29-138; 29-100; 12-301; 16-280 except for requests directing the Division to process documents submitted for filing by insurance companies and banks.

(b) Notwithstanding anything to the contrary contained in the provisions of these regulations, expedited services shall not apply to any request for the copy or examination of any filed documents or records which are located outside the Division at 30 Trinity Street, Hartford, Connecticut, including but not limited to documents or records being microfilmed or prepared for microfilming.

(Effective December 30, 1986; amended May 13, 1998)

#### **Sec. 3-99a-4. Form of requests**

All requests shall be made in writing. A separate request shall be submitted for each subject entity or organization.

(Effective December 30, 1986; amended May 13, 1998)

#### **Sec. 3-99a-5. Method of payment**

(a) All expedited service requests shall be accompanied by the fee prescribed in section 3-99a-8 of these regulations at the time the request is submitted.

(b) The expedited service fee shall be payable to the Secretary of the State. Failure to include the fee set forth in 3-99a-8 of these regulations upon request for expedited service shall be reason for the rejection of such request and forfeiture of the expedited service fee. Requests failing to meet the form requirements set forth in section 3-99a-4 shall be processed with other work received on the same day in the ordinary course of the division's business.

(c) All filing fees and/or other fees payable in connection with the filing of documents shall accompany the request for expedited service at the time of its submission.

(Effective December 30, 1986; amended May 13, 1998)

#### **Sec. 3-99a-6. Requests for expedited service by mail**

(a) All requests made by mail or similar means, shall be addressed to Secretary of the State, Commercial Recording Division, 30 Trinity Street, Hartford, Connecticut 06106.

(b) The outer envelope enclosing an expedited service request shall be clearly marked with the words "Expedited Services". Each mailed request shall be stamped with the date of receipt by the Division and hour of 8:30 A.M., on which date and time the period for performance by the Division shall commence.

(Effective December 30, 1986; amended May 13, 1998)

#### **Sec. 3-99a-7. Expedited service requests**

(a) The Division shall receive in hand expedited requests during hours in which the public service counter is open. Each request received in hand by the Division shall be stamped with the date and hour of receipt thereof, on which date and time the period for performance by the Division shall commence.

(b) Expedited service shall be considered to have been performed when a document has been reviewed for statutory compliance and either filed or rejected or when a transaction which does not involve the filing of a document has been completed or rejected and supporting documentation for either has been forwarded to the requesting party within the time period prescribed in 3-99a-2 (b) of these regulations.

(Effective December 30, 1986; amended May 13, 1998)

**Sec. 3-99a-8. Fee for expedited service**

The expedited service fee for each transaction shall be \$25.00.

(Effective December 30, 1986; amended May 13, 1998)

**Sec. 3-99a-9. Multiple transactions in a single request for expedited services**

(a) A separate expedited fee shall be submitted for each individual transaction as defined in 3-99a-2 (g) to be performed by the Division.

(b) A single request may order the processing of up to ten transactions for one specified entity or organization. Where more than one transaction is specified in a request, the fee for expedited service shall be multiplied by the number of transactions ordered.

(Effective December 30, 1986; amended May 13, 1998)

**Sec. 3-99a-10. Refund of expedited service fee**

(a) If the Division fails to complete a transaction or transactions within the time period for performance established under section 3-99a-2 (b) of these regulations, it shall refund the particular expedited service fee or fees collected in connection with such transaction or transactions.

(b) If an expedited transaction has been erroneously rejected by the Division, it shall, upon resubmission, be processed on an expedited basis without any new expedited fee. The erroneous or improper rejection letter shall accompany the document upon resubmission.

(Effective December 30, 1986; amended May 13, 1998)

**Sec. 3-99a-11.**

Repealed, May 13, 1998.

**Secs. 3-99a-12—3-99a-25. Reserved**